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Regular Session of 1958

Volume II

Held in the State Capitol in the Capital City of Kentucky, at
Frankfort, in the Year of Our Lord 1958 and
in the One Hundred and Sixty-Sixth
Year of the Commonwealth

Begun on the Seventh Day of January, 1958, and Adjourned
Sine Die on the Twenty-First Day of March, 1958

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FRIDAY, MARCH 7, 1958

FORTY-EIGHTH LEGISLATIVE DAY

The Senate was called to order by the President, Lieutenant Governor Harry Lee Waterfield.

Prayer by the Reverend Father O'Dwyer of the Catholic Church of Frankfort.

The roll was called. All members present except Senators Blue, Mrs. J. Harry Davis, Hickerson, Kelly, Overbey, Young, who were granted leave of absence on motion of Senator McCann.

The reading of the Journal for Thursday, March 6, 1958, dispensed with and the same approved on motion of Senator McCann.

Motions

Senator Hamilton moved that Frances Victoria Lear, Billy Ray Catlett, Patricia Clay Gardenhire, Dean McNabb Gardenhire, Margaret Gayle Gardenhire and Marsha Lynne Huffman be made Honorary Pages of the Senate. Agreed.

Senator Anggelis moved that Kimberly Ann Morgan and Michael Christopher Morgan be made Honorary Pages of the Senate. Agreed.

Senator McCann moved that Charles Govan be made an Honorary Page of the Senate. Agreed.

Senator Fields moved that Charlotte Adams, James Boyd Campbell, Rinna K. Arnold, Jeffie Arnold, Tommy Campbell and Marvie June Campbell be made Honorary Pages of the Senate. Agreed.

Introductions

SB 313, by Senator Van Hoose: AN ACT relating to soil conservation.

SB 314, by Senator Richmond: AN ACT relating to conditions of employment of firemen in cities of the second class.

SB 315, by Senator Howell: AN ACT relating to economic development.

SB 316, by Senator Richmond: AN ACT relating to workmen's compensation.

SB 317, by Senator Johnson: AN ACT relating to retirement of state employees and officials.

Calendar

SB 270, SB 281, SB 290, SB 291, SB 213, SB 212, HB 133, SB 170, SB 171, SB 172, SB 173, SB 201, SB 235, SB 280, SB 286, SB 287, SB 300, HB 187, HB 250, HR 84, HR 85, HR 87, HR 91, HR 81, HB 149, SB 246, SB 214, SB 148, SB 229, HB 29, HB 202, SB 258, SB 248, SB 278, SB 256, SB 139, SB 285, SB 303, SB 161, SB 259, SB 252, SB 48,

SR 66 were taken from the Calendar and ordered read at length for the second time. Senator Bassett moved that they be read by title only. Agreed by a majority of the members elected. Ordered placed in Orders of the Day.

House Message

Announcing passage of **HR 89, HR 90, HB 153, HB 209, HB 298, HB 306, HB 308, HB 311, HB 312, HB 338, HB 369, HB 426, HB 427, HB 480, HB 13, HB 71, SB 49, HB 79, HB 159, HB 160, HB 278, HB 279, HB 280, HB 300, HB 340, HB 350, HB 351, HB 352, HB 353.** Ordered that said bills and resolutions be referred.

Orders of the Day

SB 244 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 244**. Agreed.

On roll call, the vote was: Yeas, 29—Anggelis, Bassett, Blake, Bonn, Byers, Clay, Cornett, C. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Howard, Howell, Jackson, Johnson, Kidwell, Knuckles, Lucas, McCann, Miller, Reuscher, Richmond, Van Hoose, Ware, Willis; Nays, 0.

SB 244 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 242 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Hamilton moved the Previous Question on **SB 242**.

Senators Duffy and Anggelis demanded a roll call on the Previous Question.

On roll call the vote was: Yeas, 15—Bassett, Blake, Cornett, C. H. Davis, Fields, Francis, Greene, Hamilton, Howard, Howell, Jackson, Johnson, Knuckles, Lucas, Robinson; Nays, 14—Anggelis, Bonn, Clay, Duffy, Duncan, Freeman, Kidwell, McCann, Miller, Reuscher, Richmond, Van Hoose, Ware, Willis.

Motion lost for lack of constitutional majority.

Senator Duffy proposed an Amendment to **SB 242**.

Amend printed copy of **SB 242** on page 1, section 1, line 12 by adding the following paragraph:

(3) This Act shall not apply to scholars or pupils whose parent or guardian shall in writing object thereto on grounds that such re-

quirements are not in accordance with the teachings of a recognized religious organization of which he or she is an adherent.

Senator Duffy moved that said amendment be adopted. Motion lost on voice vote.

On roll call, the vote on **SB 242** was: Yeas, 20—Bassett, Blake, Byers, Cornett, C. H. Davis, Fields, Francis, Greene, Hamilton, Howard, Howell, Jackson, Johnson, Kidwell, Knuckles, Lucas, Richmond, Robinson, Van Hoose, Warinner; Nays, 10—Anggelis, Bonn, Clay, Duffy, Freeman, McCann, Miller, Reuscher, Ware, Willis.

SB 242 was passed and the title agreed to.

Senator Hamilton moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 112 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Blake moved the Previous Question on **HB 112**. Agreed.

On roll call, the vote was: Yeas, 29—Anggelis, Bassett, Blake, Bonn, Byers, Clay, Cornett, C. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Howard, Jackson, Johnson, Kidwell, Knuckles, McCann, Miller, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

HB 112 was passed and the title agreed to.

Senator Blake moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Senator Bassett moved to suspend the Rules for the purpose of making a Committee Report. Agreed.

Report of Committees

The Rules Committee reported **SR 51, SR 52, SR 61, HB 147, SB 308, SR 34, SB 102, SB 33, SB 188, SB 194, HB 10, HB 23, SB 301, SB 131, SR 45, SB 268, SB 306, SB 309, SB 298, SB 302, SB 98, SB 142, SB 197, SB 183, SB 231, SB 110, SB 312, SB 304, SB 297, SB 264, SB 293, SB 269** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SR 51: A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study of the desirability and feasibility of adopting a Uniform Title Law for motor vehicles.

WHEREAS, the number of motor vehicles and the extent of their operation on the public roads and highways of the Commonwealth are greatly increasing; and

WHEREAS, it appears that many automobile buyers are suffering losses resulting from defective titles and undisclosed liens; and

WHEREAS, it appears that improved enforcement aids are needed to solve the problems incident to traffic in stolen cars.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is authorized and directed to conduct a comprehensive study to determine the desirability and feasibility of altering the form, scope, operation, and administration of existing laws governing motor vehicle titles and related records.

Section 2. That the Legislative Research Commission, in conducting said study, is authorized to utilize the advice and assistance of the Department of Revenue, Department of Public Safety, County Clerks Association, Kentucky Automobile Dealers Association, Kentucky Bankers Association, Kentucky Peace Officers Association, and any other organization or agency with an appropriate interest or concern.

Section 3. That the results of the study, including findings and recommendations, be made the subject of a report to be submitted to the 1960 Regular Session of the General Assembly.

Section 4. That the sum of \$10,000 is appropriated to the Legislative Research Commission out of the General Fund for the purposes of this resolution. This sum shall not lapse at the end of the 1958-59 fiscal year but shall be carried over into the 1959-1960 fiscal year.

SR 52: A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study of the advisability and feasibility of extending personnel merit system coverage to include the employees of all state agencies.

WHEREAS, existing laws providing merit system coverage for personnel of certain departments and agencies are designed to promote economy and efficiency in government; and

WHEREAS, it appears that extension of coverage to other agencies would operate to promote still greater economy and efficiency in government; and

WHEREAS, numerous measures on this subject with wide variation in effect have been introduced in the House of Representatives and Senate during this session.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is authorized and directed to make a study of the existing laws relating to

personnel merit system coverage, and the desirability and feasibility of extending said coverage to include other state departments, boards, commissions, and agencies, including the Department of Highways.

Section 2. That each department, board, commission, and agency of the state government is directed to extend to the Legislative Research Commission its full cooperation and make available all pertinent files, records and information.

Section 3. That the results of the study, including findings and recommendations, be made the subject of a report to be submitted to the 1960 Regular Session of the General Assembly.

Section 4. That the sum of \$10,000 is appropriated to the Legislative Research Commission out of the General Fund for the purposes of this resolution. This sum shall not lapse at the end of the 1958-59 fiscal year but shall be carried over into the 1959-1960 fiscal year.

SR 61: A JOINT RESOLUTION authorizing reimbursement to Homer A. Spillman for funds expended by him for food and maintenance of prisoners assigned as a maintenance detail under his direct supervision, and making an appropriation therefor.

WHEREAS, it appears that Homer A. Spillman was during the period of October 1, 1957 to February 1, 1958, a duly appointed and acting employee of the Department of Public Safety; and

WHEREAS, it appears that said Homer A. Spillman paid out the amount of \$797.80 on behalf of the said prisoners in the months indicated; and

WHEREAS, the said Homer A. Spillman made a properly verified claim for said expenses to the Department of Finance of the Commonwealth of Kentucky in the aforesaid amount, which is the total amount expended by said Homer A. Spillman on behalf of said prisoners during the months indicated, which claim the Department of Finance, upon advice of the Attorney General, disclaimed because it lacked legal ability to approve for payment said claim notwithstanding the merits involved.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Homer A. Spillman has a legal and proper claim against the Commonwealth of Kentucky in the amount of \$797.80 for money expended on behalf of the Commonwealth for food and maintenance of prisoners employed under his supervision and in his custody on state property during the period of October 1, 1957 to February 1, 1958, both dates inclusive.

Section 2. The Commissioner of Finance is authorized and directed to draw a warrant against funds, standing to the credit of the Department of Public Safety, in favor of Homer A. Spillman, upon passage of this bill, in the amount aforesaid and transmit same to the State Treasury, who is authorized and directed to issue a check in favor of said Homer A. Spillman in the amount of \$797.80.

HB 147: AN ACT providing for the sale of real property by cities and counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any City or County may sell and convey any real estate owned by it upon a determination by the Legislative body of such governmental unit that said real estate is no longer needed to carry on the governmental functions of the City or County or that other property is more suitable for the governmental purpose to which the property to be sold and conveyed has been dedicated. The City or County may make such disposition of its property regardless of a previous dedication of said property whether the dedication was created by virtue of use, deed, ordinance or by any other manner. This section shall not apply to any public street, sidewalk, right-of-way or other easement.

Section 2. Whereas certain cities and counties desire to dispose of outmoded city property and acquire new modern property and have outstanding obligations and contracts to accomplish this purpose, which expire before this Act would otherwise take effect, an emergency is declared to exist, and this Act shall take effect upon its passage and approval by the Governor.

SB 308: AN ACT relating to statements required of foreign and domestic corporations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 271.055 of the Kentucky Revised Statutes is amended to read as follows:

(1) The articles of incorporation in triplicate originals shall be acknowledged by at least three of the incorporators before an officer authorized by the laws of this state to take acknowledgements and the triplicate originals shall be delivered to the Secretary of State. If he finds that the articles of incorporation have been signed and acknowledged according to law he shall, when all taxes, fees and charges have been paid as required by law, record one original in his office, and issue a certificate of incorporation. There shall be paid to the Secretary of State a fee of \$3.00 for recording the articles, and a fee of \$1.00 for issuing a certificate of incorporation.

(2) The certificate of incorporation together with the remaining original articles of incorporation, endorsed with the fact and time of recording in the office of the Secretary of State, shall be returned to the incorporators or their representatives. One original shall then be filed with and recorded by the clerk of the county court of the county in which the registered office of the corporation is situated, and the other shall be retained by the corporation. The clerk of the county court shall be paid a fee of \$3.00 for recording said articles.

(3) No foreign corporation, except a foreign insurance company, shall be authorized to do business in this state until it has filed a certified copy of its articles of incorporation and all existing amendments in the office of the Secretary of State. It shall thereafter file a certified copy of subsequent amendments to its articles in the office of the Secretary of State. Such corporations shall pay to the Secretary of State an original filing fee of \$25.00 and a recording fee of \$10.00 for recording the articles of incorporation and accompanying amendments, and shall pay the same recording fee for recording subsequent amendments.

(4) A copy of any articles of incorporation and all amendments thereto of both domestic and foreign corporations as recorded in the office of the Secretary of State, under the certificate and seal of that office, shall be accepted as evidence in any court for any purpose in any action in which the original could be used. For furnishing a certified copy of the record to any party, the Secretary of State shall charge the same fee to be charged for the recordation of that instrument.

Section 2. Section 271.385 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every domestic corporation shall maintain an office in this state to be known as its registered office and shall have an authorized agent upon whom process can be served. The location and postoffice address of the original registered office, and the name and address of the original agent, shall be stated in the articles of incorporation as provided in subsection (1) of KRS 271.035.

(2) Every foreign corporation, except foreign insurance companies, carrying on business in this state, shall at all times have an office in this state and an authorized agent in this state upon whom process can be served. A statement, signed by the president or secretary of the corporation, giving the location and postoffice address of the office and the name and address of the agent, shall be filed with the Secretary of State at the same time the certified copy of the articles of incorporation is filed as provided in subsection (3) of KRS 271.055.

(3) When any change is made in the location and postoffice ad-

dress of the registered office of a domestic corporation, or of the Kentucky office of a foreign corporation, or in the name or address of the process agent of any corporation, the corporation shall at once file with the Secretary of State a statement of the change. The former agent shall remain agent for the purpose of service of process until a statement designating the new agent is filed.

(4) The Secretary of State shall charge a fee of \$5.00 for the filing of each statement mentioned in subsections (2) and (3) of this section.

(5) Every domestic corporation shall, in June of each year, file with the Secretary of State a statement verifying the correctness of the location and postoffice address of its registered office and the name of its agent designated for the service of process, and pay a fee of \$2.00. If the statement is not filed in June of each year the Secretary of State shall mail notice to the corporation as a warning that its certificate of incorporation will be revoked if the statement of verification is not filed within two years after mailing of the notice. If the statement is not then filed within two years, the Secretary of State shall revoke the certificate of incorporation and mail notice thereof to the corporation at its registered office.

(6) Every foreign corporation shall, in June of each year, file a statement of existence with the Secretary of State in such form and containing such information as may be prescribed by him, and pay a fee of \$4.00. The statement of existence shall also contain a statement verifying the correctness of the location and postoffice address of the corporation's office and the name of its agent designated for the service of process. If the statement is not filed in June of each year the Secretary of State shall mail notice to the corporation as a warning that its right to do business in this state will automatically cease if the statement of existence is not filed within thirty days after mailing of the notice. If the statement is not then filed within thirty days, the Secretary of State shall record the fact of such cessation of right and mail notice thereof to the corporation at its last known place of business in Kentucky.

(7) The agent for service of process provided for in this section may be either an individual resident of this state, or a corporation authorized to transact business in this state and authorized by its articles or certificate of incorporation to act as such an agent. Service of process upon a corporate agent, as such agent, may be had by delivering a copy of the process to the president, a vice-president, the secretary, or an assistant secretary of such corporate agent.

SR 34: A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to study the feasibility of the Commonwealth's purchasing the land on which dams are to be located by the United States Corps of Engineers.

WHEREAS, it is generally conceded that Kentucky is one of the states having the greatest industrial potential among the forty-eight states of this nation;

WHEREAS, due in part to the lack of a stable or ample water supply this potential has not been realized in any appreciable degree, and

WHEREAS, it is desirable that the State of Kentucky cause to be constructed within its borders more lakes to the end that industrial development will be accelerated,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission be and is hereby authorized and directed to make a study of the feasibility of the Commonwealth's purchasing land upon which the United States Corps of Engineers has determined a dam is to be located and also lands upon which it is anticipated such dams will be located.

Section 2. That the Legislative Research Commission publish its report and findings prior to the next meeting of the General Assembly of Kentucky in the year 1960.

SB 102: AN ACT relating to foods, drugs, cosmetics and devices.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the Kentucky Food, Drug and Cosmetic Act.

Section 2. For the purpose of this Act:

- (1) The term "Board" means the State Board of Health;
- (2) The term "Department" means the State Department of Health;
- (3) The term "person" includes individual, partnership, corporation and association;
- (4) The term "food" means:
 - (a) Articles used for food or drink for man or other animals;
 - (b) Chewing gum; and
 - (c) Articles used for components of any such article;
- (5) The term "drug" means:
 - (a) Articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and

(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and

(c) Articles (other than food) intended to affect the structure or any function of the body of man or other animals; and

(d) Articles intended for use as a component of any article specified in this subsection but does not include devices or their components, parts, or accessories.

(6) The term “device” (except when used in Subsection (12) of this section and in Subsection (10) of Section 18, Subsection (6) of Section 4, Subsection (3) of Section 7, and Subsection (3) of Section 10 of this Act) means instruments, apparatus and contrivances, including their components, parts and accessories, intended:

(a) For use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or

(b) To affect the structure or any function of the body of man or other animals.

(7) The term “cosmetic” means:

(a) Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance; and

(b) Articles intended for use as a component of any such articles, except that such term shall not include soap.

(8) The term “official compendium” means the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.

(9) The term “label” means a display of written, printed or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this Act that any word, statement, or other information appearing on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

(10) The term “immediate container” does not include package liners.

(11) The term “labelling” means all labels and other written, printed or graphic matter:

(a) Upon an article or any of its containers or wrappers; or

(b) Accompanying such article.

(12) If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because

it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

(13) The term "advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of food, drugs, devices, or cosmetics.

(14) The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

(15) The term "new drug" means:

(a) Any drug the composition of which is such that such drug is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or

(b) Any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

(16) The term "contaminated with filth" applies to any food, drug, device, or cosmetic not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

(17) The provisions of this Act regarding the selling of food, drugs, devices, or cosmetics, shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale, and the sale, dispensing, and giving of any such article, and the supplying or applying of any such articles in the conduct of any food, drug, or cosmetic establishment.

(18) The term "Federal Act" means the Federal Food, Drug and Cosmetic Act. (Title 21 U.S.C. 301 et seq.; 52 Stat. 1040 et seq. or amendments thereto.)

(19) The term "flour" includes and shall be limited to the foods, commonly known as flour, white flour, wheat flour, plain flour, bromated flour, self-rising flour, self-rising white flour, self-rising wheat flour, phosphated flour, phosphated white flour, and phosphated wheat flour, defined under the Federal Act.

(20) The term "enriched" as applied to flour, means the addition to flour of vitamins and other nutritional ingredients necessary to make it conform to the definition and standard of "enriched" flour as defined under the Federal Act.

(21) The terms "bread" and "enriched bread" include, and shall be limited to, the foods commonly known and described as "white bread", "white rolls", "white buns", "enriched white bread", "enriched rolls", and "enriched white buns", as defined under the Federal Act.

(22) The term "filled milk" means any milk, cream or skimmed milk, whether or not condensed, evaporated, concentrated, frozen, powdered, dried or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, except the fat or oil of contained eggs and nuts and the fat or oil of substances used for flavoring purposes only, so that the resulting product is an imitation or semblance of milk, cream, skimmed milk, ice cream mix, ice cream, or frozen desserts, whether or not condensed, evaporated, concentrated, frozen, powdered, dried or desiccated, whether in bulk or in containers, hermetically sealed or unsealed. This definition does not mean or include any milk or cream from which no part of the milk or butter fat has been extracted, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated, to which has been added any substance rich in vitamins, nor any distinctive proprietary food compound not readily mistaken for milk or cream or for condensed, evaporated, concentrated, powdered, dried, or desiccated milk or cream, if such compound is prepared and designed for the feeding of infants or young children, sick or infirm persons, and customarily used on the order of a physician, and is packed in individual containers bearing a label in bold type that the contents are to be used for those purposes; nor shall this definition prevent the use, blending or compounding of chocolate as a flavor with milk, cream or skimmed milk, desiccated, whether in bulk or in containers, hermetically sealed or unsealed, to or with which has been added, blended or compounded no other fat or oil other than milk or butter fat.

(23) The term "practitioner" means medical or osteopathic physicians, dentists, and veterinarians who are licensed under the professional licensing laws of Kentucky to prescribe and administer drugs and devices.

(24) The term "Federal Meat Inspection Act" means the Federal Meat Inspection Act. (Title 21 U.S.C. 71 et seq.; 34 Stat. 1260 et seq. including any amendments thereto.)

(25) The term "Federal Poultry Products Inspection Act" means the Federal Poultry Products Inspection Act. (Title 21 U.S.C. 451 et seq.; Public Law 85-172; 71 Stat. 441 including any amendments thereto.)

Section 3. A food shall be deemed to be adulterated:

(1) (a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this subsection if the quantity of such substance in such food does not ordinarily render it injurious to health; or

(b) If it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of Section 5 of this Act; or

(c) If it consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or

(d) If it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; or

(e) If it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse; or

(f) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(2) (a) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or

(b) If any substance has been substituted wholly or in part therefor; or

(c) If damage or inferiority has been concealed in any manner; or

(d) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is.

(3) If it is confectionery and it bears or contains any non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of one per centum, harmless natural wax, not in excess of four-tenths on one per centum, harmless natural gum, and pectin; provided that this subsection shall not apply to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

(4) If it bears or contains a coal-tar color other than one from a batch which has been certified under authority of the Federal Act.

(5) If it is filled milk.

Section 4. A food shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular.

(2) If it is offered for sale under the name of another food.

(3) If it is an imitation of another food for which a definition and standard of identity has been prescribed by regulations as provided by Section 14 of this Act; or if it is an imitation of another food that is not subject to Subsection (7) of this section, unless its label bears in type of uniform size and prominence, the word, imitation, and, immediately thereafter, the name of the food imitated.

(4) If its container is so made, formed, or filled as to be misleading.

(5) If in package form, unless it bears a label containing:

(a) The name and place of business of the manufacturer, packer, or distributor;

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided that reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations prescribed by the board.

(6) If any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statement, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(7) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by Section 14 of this Act unless:

(a) It conforms to such definition and standard; and

(b) Its label bears the name of the food specified in the definition and standard, and insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(8) If it purports to be or is represented as:

(a) A food for which a standard of quality has been prescribed by regulations as provided by Section 14 of this Act and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or

(b) A food for which a standard or standards of fill of container

have been prescribed by regulation as provided by Section 14 of this Act and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

(9) If it is not subject to the provisions of Subsection (7) of this section, unless it bears labeling clearly giving:

(a) The common or usual name of the food, if any there be; and

(b) In case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each; provided that to the extent that compliance with this subsection is impractical or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the board.

(10) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamins, mineral, and other dietary properties as the board determines to be, and by regulations prescribes as, necessary in order to fully inform purchasers as to its value for such uses.

(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact; provided that the extent that compliance with the requirements of this subsection is impracticable, exemptions shall be established by regulations promulgated by the board.

(12) If it is a product intended as an ingredient of another food and when used according to the directions of the purveyor will result in the final food product being adulterated or misbranded.

Section 5. Any poisonous or deleterious substance added to any food except where such substance is required in the production thereof or cannot be avoided by good production or manufacturing practice, shall be deemed to be unsafe for purposes of the application of Section 3(1) (b) of this Act; but when such substance is so required or cannot be so avoided, the board shall promulgate regulations limiting the quantity therein or thereon to such extent as the board finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of Section 3(1) (b) of this Act. While such a regulation is in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of Section 3(1) (a) of this Act. In determining the quantity of such added substance to be tolerated in or on different articles of food, the board shall take into

account the extent to which the use of such substance is required or cannot be avoided in the production of each such article and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

Section 6. A drug or device shall be deemed to be adulterated:

(1) (a) If it consists in whole or in part of any filthy, putrid, or decomposed substance; or

(b) If it has been produced, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or

(c) If it is a drug and its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; or

(d) If it is a drug and it bears or contains, for purposes of coloring only, a coal-tar color other than one from a batch certified under the authority of the Federal Act.

(2) If it purports to be or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in such compendium. Such determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set forth in such compendium, or in the absence of or inadequacy of such tests or methods of assay, those prescribed under authority of the Federal Act. No drug defined in an official compendium shall be deemed to be adulterated under this subsection because it differs from the standard of strength, quality, or purity therefor set forth in such compendium, if its difference in strength, quality, or purity from such standard is plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.

(3) If it is not subject to the provisions of Subsection (2) of this section and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess.

(4) If it is a drug and any substance has been:

(a) Mixed or packed therewith so as to reduce its quality or strength; or

(b) Substituted wholly or in part therefor.

Section 7. A drug or device shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular.

(2) If in package form unless it bears a label containing:

(a) The name and place of business of the manufacturer, packer, or distributor; and

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided that reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board.

(3) If any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(4) If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or sulfonmethane, or any chemical derivative of such substance, which derivative has been by the board after investigation, found to be, and by regulations under this Act designated as, habit forming; unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning — May be habit forming."

(5) If it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears:

(a) The common or usual name of the drug, if such there be; and

(b) In case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including whether active or not the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetophenetidin, amidopyrine, antipyrine, atropine, hyoscyamine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein; provided that to the extent that compliance with this subsection is impracticable, exemptions shall be established by regulations promulgated by the board.

(6) Unless its labeling bears:

(a) Adequate directions for use; and

(b) Such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the pro-

tection of users; provided that where any requirement of Subsection (a) of this subsection, as applied to any drug or device, is not necessary for the protection of the public health, the board shall promulgate regulations exempting such drug or device from such requirements.

(7) If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein; provided that the method of packing may be modified with a consent of the department. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia.

(8) If it has been found by the department to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the board shall by regulations require as necessary for the protection of public health. No such regulation shall be established for any drug recognized in an official compendium until the board shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

(9) (a) If it is a drug and its container is so made, formed, or filled as to be misleading; or

(b) If it is an imitation of another drug; or

(c) If it is offered for sale under the name of another drug.

(10) If it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof.

(11) If:

(a) It is a drug sold at retail and contains any quantity of aminopyrine, barbituric acid, cinchophen, pituitary, thyroid, or their derivatives; or

(b) It is a drug or device sold at retail and its label (as originally packed) directs that it is to be dispensed or sold only on prescription, unless it is dispensed or sold on a written prescription signed by an authorized practitioner and its label (as dispensed) bears the name and place of business of the dispenser or seller, the serial number and date of such prescription, and the name of such licensed practitioner. Such prescriptions shall not be refilled except on the specific authorization of the prescribing practitioner; provided that where any requirements of this subsection, as applied to any drug or device, is not necessary

for the protection of the public health, the board shall promulgate regulations exempting such drug or device from such requirement.

(12) A drug sold on a written prescription signed by a practitioner (except a drug sold in the course of the conduct of a business of selling drugs pursuant to diagnosis by mail) shall be exempt from the requirements of this section if:

(a) Such practitioner is licensed by law to administer such drug; and

(b) Such drug bears a label containing the name and place of business of the seller, the serial number and date of such prescription, and the name of such practitioner.

Section 8. (1) No person shall sell, deliver, offer for sale, hold for sale or give away any new drug unless:

(a) Any application with respect thereto has become effective under Section 505 of the Federal Act; or

(b) When not subject to the Federal Act unless such drug has been tested and has not been found to be unsafe for use under the conditions prescribed, recommended, or suggested in the labeling thereof, and prior to selling or offering for sale such drug, there has been filed with the department an application setting forth: Full reports of investigations which have been made to show whether or not such drug is safe for use; a full list of the articles used as components of such drug; a full statement of the composition of such drug; a full description of the methods used in, and the facilities and controls used for, the manufacture processing, and packing of such drug; such samples of such drug and of the articles used as components thereof as the department may require; and specimens of the labeling proposed to be used for such drug.

(2) An application provided for in Subsection (1)(b) of this section shall become effective on the 60th day after the filing thereof, except that if the department finds after due notice to the applicant and giving him an opportunity for a hearing, that the drug is not safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, it shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

(3) This section shall not apply:

(a) To a drug intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety in drugs provided the drug is plainly labeled "For investigational use only"; or

(b) To a drug sold in the state at any time prior to the enactment of this Act or introduced into interstate commerce at any time prior to the enactment of the Federal Act; or

(c) To any drug which is licensed under the virus, serum, and toxin act of July 1, 1902. (U.S.C. 1934 ed. title 42, Chap. 4, or amendments thereto.)

(4) An order refusing to permit an application under this section to become effective may be revoked by the department.

Section 9. A cosmetic shall be deemed to be adulterated:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling or advertisement thereof, or under such conditions of use as are customary or usual; provided that this provision shall not apply to coal-tar hair dye, the label of which bears the following legend conspicuously displayed thereon: "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness," and the labeling of which bears adequate directions for such preliminary testing. For the purpose of this subsection and Subsection (5) of this section, the term "hair dye" shall not include eyelash dyes or eyebrow dyes.

(2) If it consists in whole or in part of any filthy, putrid or decomposed substance.

(3) If it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(4) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(5) If it is not a hair dye and it bears or contains a coal-tar color other than one from a batch which has been certified under authority of the Federal Act.

Section 10. A cosmetic shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular.

(2) If in package form unless it bears a label containing:

(a) The name and place of business of the manufacturer, packer, or distributor; and

(b) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided that reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations prescribed by the board.

(3) If any word, statement, or other information required by or

under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(4) If its container is so made, formed or filled as to be misleading.

Section 11. (1) An advertisement of a food, drug, device, or cosmetic shall be deemed to be false if it is false or misleading in any particular.

(2) For the purpose of this Act the advertisement of a drug or device representing it to have any effect in albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholecystitis, diabetes, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, scarlet fever, sexual impotence, sinus infection, smallpox, tuberculosis, tumors, typhoid, uremia, venereal disease, shall also be deemed to be false, except that no advertisement not in violation of Subsection (1) of this section shall be deemed to be false under this subsection if it is disseminated only to practitioners or appears only in the scientific periodicals of these practitioners, or is disseminated only for the purpose of public health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices; provided that whenever the board determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named above, the board shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the board may deem necessary in the interests of public health; provided that this subsection shall not be construed as indicating that self-medication for diseases other than those named herein is safe or efficacious.

Section 12. (1) Whenever a duly authorized agent of the department finds or has probable cause to believe, that any food, drug, device, or cosmetic is adulterated, or so misbranded as to be dangerous or fraudulent, within the meaning of this Act, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated or misbranded and has been detained or quarantined and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or quarantined article by sale or otherwise without such permission.

(2) When an article detained or quarantined under Subsection

(1) of this section has been found by such agent to be adulterated, or misbranded, he shall petition the judge of the police, county, or circuit court in whose jurisdiction the article is detained or quarantined for an order for condemnation of such article; provided that nothing in this section shall require that the department or its agent shall go to court if destruction of the quarantined article is accomplished by agreement made in writing with the owner of the property. When such agent has found that an article so detained or quarantined is not adulterated or misbranded, he shall remove the tag or other marking.

(3) If the court finds that a detained or quarantined article is adulterated or misbranded, such article shall, after entry of the order, be destroyed at the expense of the claimant thereof, under the supervision of such agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent; provided that when the adulteration or misbranding can be corrected by proper labeling or processing of the article, the court, after entry of the order and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling or processing under the supervision of an agent of the department. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article on representation to the court by the department that the article is no longer in violation of this Act, and that the expenses of such supervision have been paid.

(4) Whenever the department or any of its authorized agents, after a state of emergency has been declared, shall find in any room, building, vehicle of transportation, or other structure, any food, drug, cosmetic, or device, which are unsound or which contain any filthy, decomposed, or putrid substance, or which may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the department or its authorized agent shall forthwith condemn or destroy the same or in other manner render the same unfit for human use.

Section 13. The authority to promulgate regulations for the efficient administration and enforcement of this Act is hereby vested in the board. The board may make the regulations promulgated under this Act consistent with those promulgated under the Federal Act.

Section 14. Whenever in the judgment of the board such action will promote honesty and fair dealing in the interest of consumers, the board may promulgate regulations fixing and establishing for any food or class of food: A reasonable definition and standard of identity, a reasonable standard of quality, and fill of container. In prescribing a definition and standard of identity for any food or class of food in

which optional ingredients are permitted, the board shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. The definitions and standards so promulgated shall conform so far as practicable to the definitions and standards promulgated under authority of the Federal Act, the Federal Meat Inspection Act, or the Federal Poultry Products Inspection Act.

Section 15. The department or its duly authorized agent shall have free access at all reasonable times to any factory, warehouse, or establishment in which foods, drugs, devices, or cosmetics are manufactured, processed, packed, or held for sale, or are held after receipt in commerce, or to enter any vehicle being used to transport or hold such foods, drugs, devices or cosmetics in commerce, for the purpose:

(1) Of inspecting such factory, warehouse, establishment, or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling thereon, to determine if any of the provisions of this Act are being violated; and

(2) Of securing samples or specimens of any food, drug, device, or cosmetic after paying or offering to pay for such sample. It shall be the duty of the department to make or cause to be made examinations of samples secured under the provisions of this section to determine whether or not any provision of this Act is being violated; and

(3) Of examining books, papers, documents or other evidence pertaining to such foods, drugs, cosmetics or devices. The agents of the department shall have authority to take possession of such books, papers or documents for purposes of reproduction and such other evidence pertaining to such foods, drugs, cosmetics or devices and shall give receipt for such books, papers, documents or other evidence.

Section 16. When any manufacturer offers any article of food, drug, cosmetic, or device for sale in this state, upon request of the department, he shall file with the department the name of the brand, the name of the product, the place of its manufacture or preparation, and a true copy of all labeling used thereon.

Section 17. (1) The department may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this Act, including the nature of the charge and the disposition thereof.

(2) The department may also cause to be disseminated such information regarding food, drugs, devices, and cosmetics as the department deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construed to prohibit the department from collecting, reporting, and illustrating the results of the investigations of the department.

Section 18. The following acts and the causing thereof within the Commonwealth of Kentucky are hereby prohibited:

(1) The manufacture, sale, or delivery, holding or offering for sale of any food, drug, device, or cosmetic that is adulterated or misbranded.

(2) The adulteration or misbranding of any food, drug, device, or cosmetic.

(3) The receipt in commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.

(4) The sale, delivery for sale, holding for sale, or offering for sale of any article in violation of Section 8 or 19 of this Act.

(5) The dissemination of any false advertisement.

(6) The refusal to permit entry or inspection, or to permit the taking of a sample or to permit access to records or evidence, as authorized by Section 15 of this Act.

(7) The giving of a guaranty of undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of the person residing in the Commonwealth of Kentucky from whom he received in good faith the food, drug, device, or cosmetic.

(8) The removal or disposal of a detained or quarantined article in violation of Section 12 of this Act.

(9) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food, drug, device, or cosmetic, if such act is done while such article is held for sale and results in such article being adulterated or misbranded.

(10) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of this Act.

(11) The using, on the labeling of any drug or in any advertisement relating to such drug, of any representation or suggestion that any application with respect to such drug is effective under Section 8 of this Act, or that such drug complies with the provisions of such section.

(12) The failure to file labeling and other information required under Section 16 of this Act.

(13) The manufacture, sale or exchange of any filled milk.

(14) The manufacture, mixing, compounding, selling, or offering for sale of any flour unless the same is enriched; provided that this prohibition shall not apply to flour sold to bakeries or other commercial secondary processors, which flour is used only in the production of enriched flour or enriched bread or in the manufacture of products not required to be enriched.

(15) The manufacture, baking, sale, or offering for sale of any bread except bread conforming to the definition of enriched bread.

Section 19. (1) Whenever the department finds that any food may be injurious to health when offered for sale due to contamination with micro-organisms or any other deleterious substance, the board shall promulgate regulations providing for the issuance of permits to manufacturers, processors, or packers of such food. Such permit is to be issued for a definite and temporary period of time, as may be necessary to protect the public health. After the effective date of the regulations governing the issuance of the permit and during the period defined, no person shall offer for sale, sell, or give away any such food unless the manufacturer, processor, or packer holds such a permit issued by the department.

(2) The department is authorized to suspend immediately upon notice any permit issued under this section if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended is privileged at any time to apply for the reinstatement of the permit, and the department shall, immediately after prompt hearing and inspection of the establishment, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued, or as amended.

(3) Any officer or employee duly designated by the department shall have access to any establishment, the operator of which holds a permit from the department for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit until such access is freely given by the operator.

Section 20. It shall be the duty of each commonwealth attorney, county attorney, or city attorney to whom the department or its agents reports any violation of this Act, to cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner required by law. Before any violation of this Act is reported to any such attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated may be given appropriate notice and an opportunity to present his

views before the department or its designated agent, either orally or in writing, in person, or by attorney, with regard to such contemplated proceeding.

Section 21. Nothing in this Act shall be construed as requiring the department to report for the institution of proceedings under this Act, violations of this Act, whenever the department believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

Section 22. Notwithstanding the existence or pursuit of any other remedy (civil or criminal) the department may maintain, in its own name, an action to restrain or enjoin any violation of this Act, irrespective of whether or not there exists an adequate remedy at law.

Section 23. (1) Any person who violates any of the provisions of Section 18 of this Act shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment for not more than thirty days, or both; but if the violation is committed after a conviction of such person under this section has become final, such person shall be subject to a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not more than ninety days, or both.

(2) No person shall be subject to the penalties of Subsection (1) of this section, for having violated Section 18(1) or (3) if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the article, to the effect that such article is not adulterated or misbranded within the meaning of this Act, designating this Act.

(3) No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section by reason of the dissemination by him of such false advertisement, unless he has refused, on the request of the department to furnish the department the name and post office address of the manufacturer, packer, distributor, seller, or advertising agency, residing in the United States who causes him to disseminate such advertisement.

(4) Any person who violates any provision of this Act, for which a specific penalty is not otherwise provided, or any rule or regulation adopted under the provisions of this Act, or who fails to comply with an order of the department issued pursuant thereto, shall be fined not less than ten dollars nor more than one hundred dollars. Each day of violation or non-compliance shall constitute a separate offense.

Section 24. Subsections (1) and (2) of Section 217.010, Sec-

tions 217.020, 217.030, 217.040, 217.050, 217.060, 217.070, 217.080, 217.090, 217.100, 217.110, 217.120, 217.140, 217.150, 217.160, 217.170, 217.180, 217.190, 217.200, 217.260, 217.270, 217.271, 217.272, 217.273, 217.274, and Subsections (1), (2), (3), (4) and (5) of Section 217.990 of the Kentucky Revised Statutes are hereby repealed.

SB 33: AN ACT proposing an amendment to Section 99 of the Constitution of Kentucky relative to sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 99 of the Constitution of the Commonwealth of Kentucky be amended in so far as it relates to sheriffs' succession in office and when so amended said section shall read as follows:

There shall be elected in nineteen hundred and sixty-one in each county a Judge of the County Court, a County Court Clerk, a County Attorney, Sheriff, Jailer, Coroner, Surveyor, and Assessor, and in each Justice's District one Justice of the Peace and one Constable, who shall enter upon the discharge of the duties of their offices on the first Monday in January after their election, and every four years thereafter, there shall be an election in each county of the officers mentioned, who shall hold their offices four years (from the first Monday in January after their election), and until the election and qualification of their successors.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

SB 188: AN ACT relating to election challengers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 118.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county executive committee of any political party having a ticket to elect at any regular election may designate not more than two challengers to be present at and witness the holding of the election in each precinct in the county. The challengers shall be entitled to stay in the room or at the door. These political party challengers shall be appointed in writing signed by the chairman of the committee, and shall produce written appointments on demand of any election officers.

(2) Any organization of citizens within any county having as its purpose or interest the prevention, investigation or prosecution of elec-

tion frauds may file with the chairman or acting chairman of the county board of election commissioners, at least thirty days before any general, primary or special election, a petition, signed by the chairman or presiding officers of said organization and at least three other members of the organization, asking that said organization be permitted to name two challengers to service at each precinct in the election. If more than one organization of citizens, alleging that it has as its purpose or interest the prevention, investigation or prosecution of election frauds, files such a petition, the county board of election commissioners shall, in certifying challengers, alternate between the organizations of citizens, as follows: Not less than twenty days before the election the county board of election commissioners shall notify by registered mail the chairman or presiding officers of each aforesaid organization of a convenient meeting place and a time, which shall not be less than fifteen days before the election, at which the precincts will be allotted. At the time and place aforesaid each such organization shall be represented by its chairman or presiding officer or by another member designated in writing to represent it, and the county board of election commissioners shall then and there make a division of the precincts, as nearly equally as possible, among the organizations, in a manner satisfactory to all parties concerned or by drawing lots.

(3) If an organization of citizens which has filed a petition, as provided in this section, believes that any other organization, which has likewise filed such a petition, is not a bona fide citizens group or does not in good faith seek to prevent, investigate or prosecute election frauds, it may institute proceedings in the county court, and upon a hearing the county judge shall determine whether such challenged organization shall be permitted to name challengers.

(4) The organization of citizens shall, at least five days before the election, file the names or persons nominated by it to be challengers with the chairman of the county board of election commissioners, together with the precincts in which they are to serve, which may be all or any part of the precincts in which the organization is entitled to name challengers. The county board of election commissioners shall, within two days thereafter, certify the nominees of the organization for the respective precincts to serve as challengers. Such challengers shall perform their duties in the same manner, be subject to the same penalties and have the same privileges as challengers designated by a political party, except as provided in subsection (2) of Section 3 of this Act.

(5) Each challenger shall take the following oath: "You do solemnly swear that you will faithfully and impartially discharge the duties as official challenger assigned by law; that you will not cause any delay to persons offering to vote, further than is necessary to procure satisfactory information of the qualification of such person as an

elector; that you will use no means to influence a voter; and that you will not disclose to any person how any elector has voted.”

Section 2. Section 118.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) In all regular elections, the governing authority of each political party may designate to the county board of election commissioners one representative to meet with the board as provided in KRS 118.370. The board shall permit such representatives to assist in and witness the count of the ballots in all the precincts in the county, and each of such representatives shall have equal and full opportunity to inspect and count the ballots.

(2) Any organization of citizens which complies with the provisions of KRS 118.240 relative to such organizations may name inspectors at any general election who shall service in the same manner, be subject to the same penalties, and have the same privileges as inspectors designated by a political party.

Section 3. Section 119.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each political party is entitled to have not more than two challengers at each precinct during the holding of the primary election. Any group of bona fide candidates, as defined in KRS 116.110, of the same political party equal to twenty-five percent of all the candidates for that party to be voted for in a county in any primary, including state, district and all other candidates, may recommend to the county committee or governing authority of the party for the county a list of persons whom they desire to have appointed as challengers in each precinct in the county. If more than two such lists are furnished, the committee or governing authority, in making appointments of challengers, shall alternate between the several lists so furnished so as to give to each list an equal amount or proportion of the appointments, but in no event shall there be appointed more than one challenger for any precinct from any one list. The list of challengers shall be presented to the chairman or secretary of the party committee of the county not less than seven days before the date on which the primary is to be held, and the committee or the chairman thereof shall make the appointments and certify to same at least four days before the date on which the primary is held. The appointment of challengers shall be certified in all respects as challengers at regular elections, except as otherwise provided in this section, and the challengers shall be subject to the same penalties and possess the same rights and privileges as challengers at regular elections, except that the challengers of one political party shall not be entitled to challenge persons who offer to vote for candidates of any other party in the primary. The provisions of this section shall be enforceable against the chairmen of the political party committees in the manner provided in KRS 116.110.

(2) Any organization of citizens which complies with the provisions of KRS 118.240 relative to such organizations may designate challengers in a primary election as provided in that section. Such challengers shall perform their duties in the same manner, be subject to the same penalties and have the same privileges as challengers designated by a political party, except that such challengers of an organization of citizens may challenge persons who offer to vote for candidates of either political party.

Section 4. Section 119.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The provisions of KRS 118.350 to 118.370 shall apply to primary elections, except that the tabulation of votes shall be on a separate sheet for each political party. Each candidate or group of candidates, and each organization of citizens that has complied with the provisions of KRS 118.240 relative to such organizations, may designate representatives to meet with the county board of election commissioners, with all of the rights and privileges provided in KRS 118.380.

(2) The county board of election commissioners shall issue certificates of nomination where the successful candidates were voted for by a county or by a district less than one county, and shall file the original certificates as provided in KRS 118.120 and 118.130, and send duplicate copies of the certificates to the successful candidates. If the board finds that two or more candidates have received the highest and equal number of votes for nomination for the same office, the board shall determine by lot which of the candidates is nominated. In the case of candidates voted for by the state at large or by a district greater than one county, the votes shall be certified as provided in subsection (2) of KRS 118.400.

(3) The State Board of Election Commissioners shall issue certificates of nomination where the successful candidates were voted for by the state at large or by a district greater than one county. On the fourteenth day after the primary election, the State Board of Election Commissioners shall meet at the capitol and canvass the returns of the primary that have been certified and filed with the Secretary of State. After the board has completed the tabulation and canvass of the returns it shall immediately certify to the same, issue certificates of nomination to the successful candidates, file the original certificates as provided in KRS 118.120 and 118.130, and send copies of the certificates to the successful candidates.

SB 194: AN ACT concerning fraternal benefit societies, defining certain terms relating thereto, providing for the regulation of fraternal benefit societies and the enforcement of the Act, repealing Chapter 300 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any incorporated society, order or supreme lodge, without capital stock, including one exempted under the provisions of Section 43 (b) of this Act whether incorporated or not, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on a lodge system with ritualistic form of work, having a representative form of government, and which makes provision for the payment of benefits in accordance with this Act, is hereby declared to be a fraternal benefit society.

When used in this Act the word "society," unless otherwise indicated, shall mean fraternal benefit society.

Section 2. A society having a supreme legislative or governing body and subordinate lodges or branches by whatever name known, into which members are elected, initiated or admitted in accordance with its constitution, laws, ritual and rules, which subordinate lodges or branches shall be required by the laws of the society to hold regular meetings at least once in each month, shall be deemed to be operating on the lodge system.

Section 3. A society shall be deemed to have a representative form of government when:

(a) it provides in its constitution or laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members of such body as may be prescribed by the society's constitution and laws;

(b) the representatives elected constitute a majority in number and have not less than two-thirds of the votes nor less than the votes required to amend its constitution and laws;

(c) the meetings of the supreme legislative or governing body and the election of officers, representatives or delegates are held as often as once in four calendar years;

(d) each insured member shall be eligible for election to act or serve as a delegate to such meeting;

(e) the society has a board of directors charged with the responsibility for managing its affairs in the interim between meetings of its supreme legislative or governing body, subject to control by such body and having powers and duties delegated to it in the constitution or laws of the society;

(f) such board of directors is elected by the supreme legislative or governing body, except in case of filling a vacancy in the interim between meetings of such body;

(g) the officers are elected either by the supreme legislative or governing body or by the board of directors; and

(h) the members, officers, representatives or delegates shall not vote by proxy.

Section 4. The organization of a society shall be governed as follows:

(1) Seven or more citizens of the United States, a majority of whom are citizens of this state, who desire to form a fraternal benefit society, may make, sign and acknowledge before some officer, competent to take acknowledgment of deeds, articles of incorporation, in which shall be stated:

(a) the proposed corporate name of the society, which shall not so closely resemble the name of any society or insurance company as to be misleading or confusing;

(b) the purposes for which it is being formed and the mode in which its corporate powers are to be exercised. Such purposes shall not include more liberal powers than are granted by this Act, provided that any lawful, social, intellectual, educational, charitable, benevolent, moral fraternal or religious advantages may be set forth among the purposes of the society; and

(c) the names and residences of the incorporators and the names, residences and official titles of all the officers, trustees, directors, or other persons who are to have and exercise the general control of the management of the affairs and funds of the society for the first year or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body, which election shall be held not later than one year from the date of the issuance of the permanent certificate.

(2) Such articles of incorporation, duly certified copies of the constitution, laws, and rules, copies of all proposed forms of certificates, applications therefor, and circulars to be issued by the society and a bond conditioned upon the return to applicants of the advanced payments if the organization is not completed within one year, such bond to be in an amount to be determined by the commissioner of insurance not to exceed the sum of twenty-five thousand dollars with sureties approved by the commissioner of insurance, shall be filed with the commissioner of insurance, who may require such further information as he deems necessary. All documents filed are to be in the English language. If the purposes of the society conform to the requirements of this Act and all provisions of the law have been complied with, the commissioner of insurance shall so certify, retain and file the articles of incorporation and furnish the incorporators a preliminary certificate authorizing the society to solicit members as hereinafter provided.

(3) No preliminary certificate granted under the provisions of this section shall be valid after one year from its date or after such further period, not exceeding one year, as may be authorized by the commissioner of insurance upon cause shown, unless the five hundred

applicants hereinafter required have been secured and the organization has been completed as herein provided. The articles of incorporation and all other proceedings thereunder shall become null and void in one year from the date of the preliminary certificate, or at the expiration of the extended period, unless the society shall have completed its organization and received a certificate of authority to do business as hereinafter provided.

(4) Upon receipt of a preliminary certificate from the commissioner of insurance, the society may solicit members for the purpose of completing its organization, shall collect from each applicant the amount of not less than one regular monthly premium in accordance with its table of rates as provided by its constitution and laws, and shall issue to each such applicant a receipt for the amount so collected. No society shall incur any liability other than for the return of such advance premium, nor issue any certificate, nor pay, allow, or offer to promise to pay or allow, any death or disability benefit to any person until:

(a) actual bona fide applications for death benefits have been secured aggregating at least five hundred thousand dollars on not less than five hundred lives;

(b) all such applicants for death benefits shall have furnished evidence of insurability satisfactory to the society;

(c) certificates of examinations or acceptable declarations of insurability have been duly filed and approved by the chief medical examiner of the society;

(d) ten subordinate lodges or branches have been established into which the five hundred applicants have been admitted;

(e) there has been submitted to the commissioner of insurance, under oath of the president or secretary, or corresponding officer of the society, a list of such applicants, giving their names, addresses, date each was admitted, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted and premiums therefor; and

(f) it shall have been shown to the commissioner of insurance, by sworn statement of the treasurer, or corresponding officer of such society, that at least five hundred applicants have each paid in cash at least one regular monthly premium as herein provided, which premiums in the aggregate shall amount to at least twenty-five hundred dollars, all of which shall be credited to the fund or funds from which benefits are to be paid and no part of which may be used for expenses. Said advance premiums shall be held in trust during the period of organization and if the society has not qualified for a certificate of authority within one year, as herein provided, such premiums shall be returned to said applicants.

(5) The commissioner of insurance may make such examination and require such further information as he deems advisable. Upon presentation of satisfactory evidence that the society has complied with all the provisions of law and payment of annual license fee, he shall issue to the society a certificate to that effect and that the society is authorized to transact business pursuant to the provisions of this Act. The certificate shall be prima facie evidence of the existence of the society at the date of such certificate. The commissioner of insurance shall cause a record of such certificate to be made. A certified copy of such record may be given in evidence with like effect as the original certificate.

(6) Every society shall have the power to adopt a constitution and laws for the government of the society, the admission of its members, the management of its affairs and the fixing and readjusting of the rates of its members from time to time. It shall have the power to change, alter, add to or amend such constitution and laws and shall have such other powers as are necessary and incidental to carrying into effect the objects and purposes of the society. No such change, alteration, addition or amendment shall be effective until filed with the commissioner.

Section 5. Any incorporated society authorized to transact business in this state at the time this Act becomes effective may thereafter exercise all the rights, powers and privileges prescribed in this Act and in its charter or articles of incorporation as far as consistent with this Act. A domestic society shall not be required to reincorporate.

Section 6. After one year from the effective date of this Act, no unincorporated or voluntary association shall be permitted to transact business in this state.

Any domestic voluntary association now authorized to transact business in this state may incorporate and shall receive from the commissioner of insurance a permanent certificate of incorporation as a fraternal benefit society when:

(a) it shall have completed its conversion to an incorporated society not later than one year from the effective date of this Act;

(b) it has filed its articles of incorporation and has satisfied the other requirements described in Section 4; and

(c) the commissioner of insurance shall have made such examination and procured whatever additional information he shall deem advisable.

Every voluntary association so incorporated shall incur the obligations and enjoy the benefits thereof the same as though originally incorporated, and such corporation shall be deemed a continuation of the original voluntary association. The officers thereof shall service through their respective terms as provided in its original articles of

association, but their successors shall be elected and serve as provided in its articles of incorporation. Incorporation of a voluntary association shall not affect existing suits, claims or contracts.

Section 7. The principal office of any domestic society shall be located in this state. The meetings of its supreme legislative or governing body may be held in any state, district, province or territory wherein such society has at least five subordinate branches and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this state.

Section 8. A domestic society may consolidate or merge with any other society by complying with the provisions of this section.

It shall file with the commissioner of insurance:

(a) a certified copy of the written contract containing in full the terms and conditions of the consolidation or merger;

(b) a sworn statement by the president and secretary or corresponding officers of each society showing the financial condition thereof on a date fixed by the commissioner of insurance but not earlier than December thirty-first, next preceding the date of the contract;

(c) a certificate of such officers, duly verified by their respective oaths, that the consolidation or merger has been approved by a two-thirds vote of the supreme legislative or governing body of each society; and

(d) evidence that at least sixty days prior to the action of the supreme legislative or governing body of each society, the text of the contract has been furnished to all members of each society either by mail or by publication in full in the official organ of each society.

If the commissioner of insurance finds that the contract is in conformity with the provisions of this section, that the financial statements are correct and that the consolidation or merger is just and equitable to the members of each society, he shall approve the contract and issue his certificate to such effect. Upon such approval, the contract shall be in full force and effect unless any society which is a party to the contract is incorporated under the laws of any other state or territory. In such event the consolidation or merger shall not become effective unless and until it has been approved as provided by the laws of such state or territory and a certificate of such approval filed with the commissioner of insurance of this state or, if the laws of such state or territory contain no such provision, then the consolidation or merger shall not become effective unless and until it has been approved by the commissioner of insurance of such state or territory and a certificate of such approval filed with the commissioner of insurance of this state.

Upon the consolidation or merger becoming effective as herein provided, all the rights, franchises and interests of the consolidated or merged societies in and to every species of property, real, personal or mixed, and things in action thereunto belonging shall be vested in the society resulting from or remaining after the consolidation or merger without any other instrument, except that conveyances of real property may be evidenced by proper deeds, and the title to any real estate or interest therein, vested under the laws of this state in any of the societies consolidated or merged, shall not revert or be in any way impaired by reason of the consolidation or merger but shall best absolutely in the society resulting from or remaining after such consolidation or merger.

The affidavit of any officer of the society or of anyone authorized by it to mail any notice or document, stating that such notice or document has been duly addressed and mailed, shall be prima facie evidence that such notice or document has been furnished the addressees.

Section 9. Any domestic fraternal benefit society may be converted and licensed as a mutual life insurance company by compliance with all the requirements of KRS 304.150 to 304.194 if such plan of conversion has been approved by the commissioner of insurance. Such plan shall be prepared in writing, setting forth in full the terms and conditions thereof. The board of directors shall submit such plan to the supreme legislative or governing body of such society at any regular or special meeting thereof, by giving a full, true and complete copy of such plan with the notice of such meeting. Such notice shall be given as provided in the laws of the society for the convocation of a regular or special meeting of such body, as the case may be. The affirmative vote of two-thirds of all members of such body shall be necessary for the approval of such agreement. No such conversion shall take effect unless and until approved by the commissioner of insurance who may give such approval if he finds that the proposed change is in conformity with the requirements of law and not prejudicial to the certificate holders of the society.

Section 10. A society may admit to benefit membership any person not less than fifteen years of age, nearest birthday, who has furnished evidence of insurability acceptable to the society. Any such member who shall apply for additional benefits more than six months after becoming a benefit member shall pass an additional medical examination, or make an additional declaration of insurability, as required by the society.

Any person admitted prior to attaining the full age of twenty-one years shall be bound by the terms of the application and certificate and by all the laws and rules of the society and shall be entitled to all the rights and privileges of membership therein to the same extent as though the age of majority had been attained at the time of applica-

tion. A society may also admit general or social members who shall have no voice or vote in the management of its insurance affairs.

Section 11. A domestic society may amend its articles of incorporation, constitution or laws in accordance with the provisions thereof by action of its supreme legislative or governing body at any regular or special meeting thereof or, if its articles of incorporation, constitution or laws so provide, by referendum. Such referendum may be held in accordance with the provisions of its articles of incorporation, constitution or laws by the vote of the voting members of the society, by the vote of delegates or representatives of voting members or by the vote of local lodges or branches. No amendment submitted for adoption by referendum shall be adopted unless, within six months from the date of submission thereof, a majority of all of the voting members of the society shall have signified their consent to such amendment by one of the methods herein specified.

No amendment to the articles of incorporation, constitution or laws of any domestic society shall take effect unless approved by the commissioner of insurance who shall approve such amendment if he finds that it has been duly adopted and is not inconsistent with any requirement of the laws of this state or with the character, objects and purposes of the society. Unless the commissioner of insurance shall disapprove any such amendment within sixty days after the filing of same, such amendment shall be considered approved. The approval or disapproval of the commissioner of insurance shall be in writing and mailed to the secretary or corresponding officer of the society at its principal office. In case he disapproves such amendment, the reasons therefor shall be stated in such written notice.

Within ninety days from the approval thereof by the commissioner of insurance, all such amendments, or a synopsis thereof, shall be furnished to all members of the society either by mail or by publication in full in the official organ of the society. The affidavit of any officer of the society or of anyone authorized by it to mail any amendments or synopsis thereof, stating facts which show that same have been duly addressed and mailed, shall be *prima facie* evidence that such amendments or synopsis thereof, have been furnished the addressee.

Every foreign or alien society authorized to do business in this state shall file with the commissioner of insurance a duly certified copy of all amendments of, or additions to, its articles of incorporation, constitution or laws within ninety days after the enactment of same.

Printed copies of the constitution or laws as amended, certified by the secretary or corresponding officer of the society shall be *prima facie* evidence of the legal adoption thereof.

Section 12. It shall be lawful for a society to create, maintain and operate charitable, benevolent or educational institutions for the

benefit of its members and their families and dependents and for the benefit of children insured by the society. For such purpose it may own, hold or lease personal property or real property located within or without this state, with necessary buildings thereon. Such property shall be reported in every annual statement but shall not be allowed as an admitted asset of such society.

Maintenance, treatment and proper attendance in any such institution may be furnished free or a reasonable charge may be made therefor, but no such institution shall be operated for profit. The society shall maintain a separate accounting of any income and disbursements under this section and report them in its annual statement. No society shall own or operate funeral homes or undertaking establishments.

Section 13. A society may pay benefits, other than insurance benefits, to its members from any special account or fund maintained for such purpose; provided that if such benefits are of such a nature that they could constitute benefits within the classes of insurance set forth in Section 15 of this Act, a society making such payments may not:

- (a) make any separate charge therefor;
- (b) issue any certificate, policy or other document promising such payments;
- (c) Provide in its constitution, laws or any other document that such payments may be received by the member as a matter of right; or
- (d) advertise such payments as insurance or as payments to which the member has any right.

The society shall maintain a separate accounting of all disbursements made under this section and report them in its annual statement.

Section 14. The officers and members of the supreme, grand or any subordinate body of a society shall not be personally liable for payment of any benefits provided by a society.

Section 15. A society authorized to do business in this state may provide for the payment of:

- (a) death benefits in any form;
- (b) endowment benefits;
- (c) annuity benefits;
- (d) temporary or permanent disability benefits as a result of disease occurring before age sixty-five or accident at any age;
- (e) hospital, medical or nursing benefits due to sickness or bodily infirmity occurring before age sixty-five or accident at any age;
- (f) monument or tombstone benefits to the memory of deceased members not exceeding in any case the sum of three hundred dollars, and

(g) any such benefits may be provided for a member or upon application of a member for the member's family, including the member, the member's spouse and minor children in one or more certificates.

Section 16. A society may provide for benefits on the lives of children under the minimum age for adult membership but not greater than twenty-one years of age at time of application therefor, upon the application of some adult person, as its laws or rules may provide, which benefits shall be in accordance with the provisions of Section 15 of this Act. A society may, at its option, organize and operate branches for such children. Membership and initiation in local lodges shall not be required of such children, nor shall they have a voice in the management of the society.

Children insured under certificates issued pursuant to this section shall be transferred to and become members of the adult branch of the society upon attaining the minimum age for adult membership under the laws of the society.

A society shall have power to provide for the designation and changing of designation of beneficiaries in the certificates providing for such benefits and to provide in all other respects for the regulation, government and control of such certificates and all rights, obligations and liabilities incident thereto and connected therewith.

Section 17. A society may grant paid-up non-forfeiture benefits, cash surrender values, certificate loans and such other options as its laws may permit. As to certificates issued on and after the effective date of this Act, a society shall grant at least one paid-up non-forfeiture benefit.

In the case of certificates other than those for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table or the 1941 Standard Industrial Table, the value of every paid-up non-forfeiture benefit and the amount of any cash surrender value, loan or other option granted shall not be less than the excess, if any, of (a) over (b) as follows:

(a) the reserve under the certificate determined on the basis specified in the certificate; and

(b) the sum of any indebtedness to the society on the certificate, including interest due and accrued, and a surrender charge equal to two and one-half percent of the face amount of the certificate, which, in the case of insurance on the lives of children, shall be the ultimate face amount of the certificate, if death benefits provided therein are graded.

However, in the case of certificates issued on a substandard basis or in the case of certificates, the reserves for which are computed upon the American Men Ultimate Table of Mortality, the term of any extended insurance benefit granted including accompanying pure endowment, if any, may be computed upon the rates of mortality not

greater than one hundred thirty percent of those shown by the mortality table specified in the certificate for the computation of the reserves.

In the case of certificates for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table or the 1941 Standard Industrial Table, every paid-up non-forfeiture benefit and the amount of any cash surrender value, loan or other option granted shall not be less than the corresponding amount ascertained in accordance with the provisions of the laws of this state applicable to life insurance companies issuing policies containing like insurance benefits based upon such tables.

Section 18. The member shall have the right at all times to change the beneficiary or beneficiaries in accordance with the constitution, laws or rules of the society. Every society by its constitution, laws or rules may limit the scope of beneficiaries and shall provide that no beneficiary shall have or obtain any vested interest in the proceeds of any certificate until the certificate has become due and payable in conformity with the provisions of the insurance contract.

A society may make provision for the payment of funeral benefits to the extent of such portion of any payment under a certificate as might reasonably appear to be due to any person equitably entitled thereto by reason of having incurred expense occasioned by the burial of the member, provided the portion so paid shall not exceed the sum of \$500.

Any society may pay the benefits due to minors in monthly installments of not over twenty-five dollars per month for each minor beneficiary to the person or persons who in the opinion of the society are caring for and supporting such beneficiary, and such payment shall be a complete discharge of the society's liability to the extent of such payments.

If, at the death of any member, there is no lawful beneficiary to whom the insurance benefits shall be payable, the amount of such benefits, except to the extent that funeral benefits may be paid as hereinbefore provided, shall be payable to the personal representative of the deceased member.

Section 19. No money or other benefit, charity, relief or aid to be paid, provided or rendered by any society, shall be liable to attachment, garnishment or other process, or to be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment by the society.

Section 20. Every society authorized to do business in this state shall issue to each benefit member a certificate specifying the amount of benefits provided thereby. The certificate, together with any riders

or endorsements attached thereto, the charter or articles of incorporation, the constitution and laws of the society, the application for membership, and declaration of insurability, if any, signed by the applicant, and all amendments to each thereof, shall constitute the agreement, as of the date of issuance, between the society and the member, and the certificate shall so state. A copy of the application for membership and of the declaration of insurability, if any, shall be endorsed upon or attached to the certificate.

All statements purporting to be made by the member shall be representations and not warranties. Any waiver of this provision shall be void.

Any changes, additions or amendments to the charter or articles of incorporation, constitution or laws duly made or enacted and approved by the commissioner of insurance subsequent to the issuance of the certificate shall bind the member and the beneficiaries, and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership except that no change, addition, or amendment shall destroy or diminish benefits which the society contracted to give the member as of the date of issuance.

Copies of any of the documents mentioned in this section, certified by the secretary or corresponding officer of the society, shall be received in evidence of the terms and conditions thereof.

A society shall provide in its constitution or laws that if its reserves as to all or any class of certificates become impaired its board of directors or corresponding body may require that there shall be paid by the member to the society the amount of the member's equitable proportion of such deficiency as ascertained by its board, and that if the payment be not made it shall stand as an indebtedness against the certificate and draw interest not to exceed five percent per annum compounded annually.

Section 21. After one year from the effective date of this Act, no life benefit certificate shall be delivered or issued for delivery in this state unless a copy of the form shall have been filed with and approved by the commissioner of insurance.

(1) The certificate shall contain in substance the following standard provisions or, in lieu thereof, provisions which are more favorable to the member:

(a) title on the face and filing page of the certificate clearly and correctly describing its form;

(b) a provision stating the amount of rates, premiums or other required contributions, by whatever name known, which are payable by the insured under the certificate;

(c) a provision that the member is entitled to a grace period of not less than a full month (or thirty days at the option of the society)

in which the payment of any premium after the first, may be made. During such grace period the certificate shall continue in full force, but in case the certificate becomes a claim during the grace period before the overdue payment is made, the amount of such overdue payment or payments may be deducted in any settlement under the certificate;

(d) a provision that the member shall be entitled to have the certificate reinstated at any time within three years from the due date of the premium in default, unless the certificate has been completely terminated through the application of a non-forfeiture benefit, cash surrender value or certificate loan, upon the production of evidence of insurability satisfactory to the society and the payment of all overdue premiums and any other indebtedness to the society upon the certificate, together with interest on such premiums and such indebtedness, if any, at a rate not exceeding six percent per annum compounded annually;

(e) except in the case of pure endowment, annuity or reversionary annuity contracts, reducing term insurance contracts, or contracts of term insurance of uniform amount of fifteen years or less expiring before age sixty-six, a provision that, in the event of default in payment of any premium after three full years' premiums have been paid or after premiums for a lesser period have been paid if the contract so provides, the society will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid-up non-forfeiture benefit on the plan stipulated in the certificate, effective as of such due date, of such value as specified in this Act. The certificate may provide, if the society's laws so specify or if the member shall so elect prior to the expiration of the grace period of any overdue premium, that default shall not occur so long as premiums can be paid under the provisions of an arrangement for automatic premium loan as may be set forth in the certificate;

(f) a provision that one paid-up non-forfeiture benefit as specified in the certificate shall become effective automatically unless the member elects another available paid-up non-forfeiture benefit, not later than sixty days after the due date of the premium in default;

(g) a statement of the mortality table and rate of interest used in determining all paid-up non-forfeiture benefits and cash surrender options available under the certificate, and a brief general statement of the method used in calculating such benefits;

(h) a table showing in figures the value of every paid-up non-forfeiture benefit and cash surrender option available under the certificate for each certificate anniversary either during the first twenty certificate years or during the term of the certificate, whichever is shorter;

(i) a provision that the certificate shall be incontestable after it has been in force during the lifetime of the member for a period of two years from its date of issue except for nonpayment of premiums,

violation of the provisions of the certificate relating to military, aviation, or naval service and violation of the provisions relating to suspension or expulsion as substantially set forth in the certificate. At the option of the society, supplemental provisions relating to benefits in the event of temporary or permanent disability or hospitalization and provisions which grant additional insurance specifically against death by accident or accidental means, may also be excepted. The certificate shall be incontestable on the grounds of suicide after it has been in force during the lifetime of the member for a period of two years from date of issue. The certificate may provide, as to statements made to procure reinstatement, that the society shall have the right to contest a reinstated certificate within a period of two years from date of reinstatement with the same exceptions as herein provided;

(j) a provision that in case the age of the member or of the beneficiary is considered in determining the premium and it is found at any time before final settlement under the certificate that the age has been misstated, and the discrepancy and premium involved have not been adjusted, the amount payable shall be such as the premium would have purchased at the correct age; but if the correct age was not an insurable age under the society's charter or laws, only the premiums paid to the society, less any payments previously made to the member, shall be returned or, at the option of the society, the amount payable under the certificate shall be such as the premium would have purchased at the correct age according to the society's promulgated rates and any extension thereof based on actuarial principles;

(k) a provision or provisions which recite fully, or which set forth the substance of, all sections of the charter, constitution, laws, rules or regulations of the society, in force at the time of issuance of the certificate, the violation of which will result in the termination of, or in the reduction of, the benefit or benefits payable under the certificate;

(l) if the constitution or laws of the society provide for expulsion or suspension of a member, any member so expelled or suspended, except for nonpayment of a premium or within the contestable period for material misrepresentations in such member's application for membership shall have the privilege of maintaining his insurance in force by continuing payment of the required premium; and

(m) in the case of a certificate issued by a foreign or alien society, a provision that the rights or obligations of the member or of any person rightfully claiming under the certificate shall be governed by the laws of this state.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance or because the certificate is an annuity certificate may, to the extent inapplicable, be omitted from the certificate.

(2) After one year from the effective date of this Act, no life benefit certificate shall be delivered or issued for delivery in this state containing in substance any of the following provisions:

(a) any provision limiting the time within which any action at law or in equity may be commenced to less than two years after the cause of action shall accrue;

(b) any provision by which the certificate shall purport to be issued or to take effect more than six months before the original application for the certificate was made, except in case of transfer from one form of certificate to another in connection with which the member is to receive credit for any reserve accumulation under the form of certificate from which the transfer is made; or

(c) any provision for forfeiture of the certificate for failure to repay any loan thereon or to pay interest on such loan while the total indebtedness, including interest, is less than the loan value of the certificate.

(3) The word "premiums" as used in this Act means premiums, rates, or other required contributions by whatever name known.

Section 22. No domestic, foreign or alien society authorized to do business in this state shall issue or deliver in this state any certificate or other evidence of any contract of accident insurance or health insurance or of any total and permanent disability insurance contract unless and until the form thereof, together with the form of application and all riders or endorsements for use in connection therewith, shall have been filed with the commissioner of insurance and approved by him as conforming to reasonable rules and regulations from time to time made by him and as not inconsistent with any other provisions of law applicable thereto. The commissioner of insurance shall, within a reasonable time after the filing of any such form, notify the society filing the same either of his approval or of his disapproval of such form. The commissioner of insurance may approve any such form which in his opinion contains provisions on any one or more of the several requirements made by him which are more favorable to the members than the one or ones so required. Pursuant to the foregoing provisions the commissioner of insurance shall have power, from time to time, to make, alter and supersede reasonable regulations prescribing the required, optional and prohibited provisions in such contracts, and such regulations shall conform, as far as practical, to the provisions of KRS 304.707 to 304.749. Where the commissioner of insurance deems inapplicable, either in part or in their entirety, the provisions of the foregoing sections, he may prescribe the portions or summary thereof of the contract to be printed on the certificate issued to the member. Any filing made hereunder shall be deemed approved unless disapproved within sixty days from the date of such filing.

Section 23. The constitution and laws of the society may provide that no subordinate body, nor any of its subordinate officers or mem-

bers shall have the power of authority to waive any of the provisions of the laws and constitution of the society. Such provision shall be binding on the society and every member and beneficiary of a member.

Section 24. A domestic society may, by a reinsurance agreement, cede any individual risk or risks in whole or in part to an insurer (other than another fraternal benefit society) having the power to make such reinsurance and authorized to do business in this state, or if not so authorized, one which is approved by the commissioner of insurance; but no such society may reinsure substantially all of its insurance in force without the written permission of the commissioner of insurance. It may take credit for the reserves on such ceded risks to the extent reinsured, but no credit shall be allowed as an admitted asset or a deduction from liability, to a ceding society for reinsurance made, ceded, renewed, or otherwise becoming effective after the effective date of this Act, unless the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding society under the contract or contracts reinsured without diminution because of the insolvency of the ceding society.

Section 25. Societies which are now authorized to transact business in this state may continue such business until the first day of May next succeeding the effective date of this Act. The authority of such societies and all societies hereafter licensed, may thereafter be renewed annually, but in all cases to terminate on the first day of the succeeding May. However, a license so issued shall continue in full force and effect until the new license be issued or specifically refused. For each such license or renewal the society shall pay the commissioner of insurance twenty dollars. A duly certified copy or duplicate of such license shall be prima facie evidence that the license is a fraternal benefit society within the meaning of this Act.

Section 26. No foreign or alien society shall transact business in this state without a license issued by the commissioner of insurance. Any such society may be licensed to transact business in this state upon payment of the annual license fee and filing with the commissioner of insurance:

(a) a duly certified copy of its charter or articles of incorporation;

(b) a copy of its constitution and laws, certified by its secretary or corresponding officer;

(c) a power of attorney to the commissioner of insurance as prescribed in Section 30;

(d) a statement of its business under oath of its president and secretary or corresponding officers in a form prescribed by the commissioner of insurance, duly verified by an examination made by the supervising insurance official of its home state or other state, territory, province or country, satisfactory to the commissioner of insurance of this state;

(e) a certificate from the proper official of its home state, territory, province or country that the society is legally incorporated and licensed to transact business therein;

(f) copies of its certificate forms; and

(g) such other information as he may deem necessary; and upon a showing that its assets are invested in accordance with the provisions of this Act.

Any foreign or alien society desiring admission to this state shall have the qualifications required of domestic societies organized under this Act.

Section 27. When the commissioner of insurance upon investigation finds that a domestic society:

(a) has exceeded its powers;

(b) has failed to comply with any provision of this Act;

(c) is not fulfilling its contract in good faith;

(d) has a membership of less than four hundred after an existence of one year or more; or

(e) is conducting business fraudulently or in a manner hazardous to its members, creditors, the public or the business; he shall notify the society of his findings, state in writing the reasons for his dissatisfaction, and require the society to show cause on a date named why it should not be enjoined from carrying on any business until the violation complained of shall have been corrected, or why an action in quo warranto should not be commenced against the society.

If on such date the society does not present good and sufficient reasons why it should not be so enjoined or why such action should not be commenced, the commissioner of insurance may present the facts relating thereto to the Attorney General who shall, if he deems the circumstances warrant, commence an action to enjoin the society from transacting business or in quo warranto.

The court shall thereupon notify the officers of the society of a hearing. If after a full hearing it appears that the society should be so enjoined or liquidated or a receiver appointed, the court shall enter the necessary order.

No society so enjoined shall have the authority to do business until:

(a) the commissioner of insurance finds that the violation complained of has been corrected;

(b) the costs of such action shall have been paid by the society if the courts find that the society was in default as charged;

(c) the court has dissolved its injunction; and

(d) the commissioner of insurance has reinstated the certificate of authority.

If the court orders the society liquidated, it shall be enjoined from carrying on any further business, whereupon the receiver of the society shall proceed at once to take possession of the books, papers,

money and other assets of the society and, under the direction of the court, proceed forthwith to close the affairs of the society and to distribute its funds to those entitled thereto.

No action under this section shall be recognized in any court of this state unless brought by the Attorney General upon request of the commissioner of insurance. Whenever a receiver is to be appointed for a domestic society, the court shall appoint the commissioner of insurance as such receiver.

The provisions of this section relating to hearing by the commissioner of insurance, action by the Attorney General at the request of the commissioner of insurance, hearing by the court, injunction and receivership shall be applicable to a society which shall voluntarily discontinue business.

Section 28. When the commissioner of insurance upon investigation finds that a foreign or alien society transacting or applying to transact business in this state:

- (a) has exceeded its powers;
- (b) has failed to comply with any of the provisions of this Act;
- (c) is not fulfilling its contracts in good faith; or
- (d) is conducting its business fraudulently or in a manner hazardous to its members or creditors or the public;

He shall notify the society of his findings, state in writing the reasons for his dissatisfaction and require the society to show cause on a date named why its license should not be suspended, revoked or refused. If on such date the society does not present good and sufficient reason, why its authority to do business in this state should not be suspended, revoked or refused, he may suspend or refuse the license of the society to do business in this state until satisfactory evidence is furnished to him that such suspension or refusal should be withdrawn or he may revoke the authority of the society to do business in this state.

Nothing contained in this section shall be taken or construed as preventing any such society from continuing in good faith all contracts made in this state during the time such society was legally authorized to transact business herein.

Section 29. Agents of societies shall be licensed in accordance with the provisions of this section.

(1) The term "insurance agent" as used in this section means any authorized or acknowledged agent of a society who acts as such in the solicitation, negotiation or procurement or making of a life insurance, accident and health insurance or annuity contract, except that the term "insurance agent" shall not include:

(a) any regular salaried officer or employe of a licensed society who devotes substantially all of his services to activities other than the solicitation of fraternal insurance contracts from the public, and who

receives for the solicitation of such contracts no commission or other compensation directly dependent upon the amount of business obtained; or

(b) any agent or representative of a society who devotes, or intends to devote, less than fifty percent of his time to the solicitation and procurement of insurance contracts for such society. Any person who in the preceding calendar year has solicited and procured life insurance contracts on behalf of any society in an amount of insurance in excess of fifty thousand dollars, or, in the case of any other kind or kinds of insurance which the society might write, on the persons of more than twenty-five individuals and who has received or will receive a commission or other compensation therefor, shall be presumed to be devoting, or intending to devote, fifty percent of his time to the solicitation or procurement of insurance contracts for such society.

(2) Any person who in this state acts as insurance agent for a society without having authority so to do by virtue of a license issued and in force pursuant to the provisions of this section shall, except as provided in sub-section (1), be guilty of a misdemeanor.

(3) No society doing business in this state shall pay any commission or other compensation to any person for any services in obtaining in this state any new contract of life, accident or health insurance, or any new annuity contract, except to a licensed insurance agent of such society and except an agent exempted under subsection (1) (b) of this section.

(4) (a) The commissioner of insurance may issue a license to any person who has paid an annual license fee of \$5.00 and who has complied with the requirements of this section, authorizing such licensee to act as an insurance agent on behalf of any society named in such license which is authorized to do business in this state.

(b) Before any insurance agent's license shall be issued there shall be on file in the office of the commissioner of insurance the following documents:

(1) a written application by the prospective licensee in such form or forms and supplements thereto, and containing such information, as the commissioner of insurance may prescribe; and

(2) a certificate by the society which is to be named in such license, stating that such society has satisfied itself that the named applicant is trustworthy and competent to act as such insurance agent and that the society will appoint such applicant to act as its agent if the license applied for is issued by the commissioner of insurance. Such certificates shall be executed and acknowledged by an officer or managing agent of such society.

(c) No written or other examination shall be required of any individual seeking to be named as a licensee to represent a fraternal benefit society as its agent.

(d) The commissioner of insurance may refuse to issue or renew any insurance agent's license if in his judgment the proposed licensee

is not trustworthy and competent to act as such agent, or has given cause for revocation or suspension of such license, or has failed to comply with any prerequisite for the issuance or renewal, as the case may be, of such license.

(e) Every license issued pursuant to this section, and every renewal thereof, shall expire on December thirty-first of the even-numbered calendar year following the calendar year in which such license or renewal license was issued.

(f) If the application for a renewal license shall have been filed with the commissioner of insurance on or before December thirty-first of the year in which the existing license is to expire, such applicant named in such existing license may continue to act as insurance agent under such existing license, unless same shall be revoked or suspended, until the issuance by the commissioner of insurance of the renewal license or until the expiration of five days after he shall have refused to renew such license and shall have served written notice of such refusal on the applicant. If the applicant shall, within thirty days after such notice is given, notify the commissioner of insurance in writing of his request for a hearing on such refusal, the commissioner of insurance shall, within a reasonable time after receipt of such notice, grant such hearing, and he may, in his discretion, reinstate such license.

(g) Any such renewal license of an insurance agent may be issued upon the application of the society named in the existing license. Such application shall be in the form or forms prescribed by the commissioner of insurance and shall contain such information as he may require. Such application shall contain a certificate executed by the president, or by a vice president, a secretary, an assistant secretary, or corresponding officer by whatever name known, or by an employee expressly designated and authorized to execute such certificate of a domestic or foreign society or by the United States manager of an alien society, stating that the addressee therein given of the agents of such society for whom renewal licenses are requested therein have been verified in each instance immediately preceding the preparation of the application. Notwithstanding the filing of such application, the commissioner of insurance may, after reasonable notice to any such society, require that any or all agents of such society to be named as licensees in renewal licenses shall execute and file separate applications for the renewal of such licenses, as hereinbefore specified, and he may also require that each such application shall be accompanied by the certificate specified in paragraph (b) (2) of subsection (4) of this section.

(5) Every society doing business in this state shall, upon the termination of the appointment of any insurance agent licensed to represent it in this state, forthwith file with the commissioner of insurance a statement, in such form as he may prescribe, of the facts relative to such termination and the cause thereof. Every statement made pursuant to this section shall be deemed a privileged communication.

(6) (a) The commissioner of insurance may revoke or may suspend for such period as he may determine, any insurance agent's license if, after notice and hearing as specified in this section, he determines that the licensee has:

(1) Violated any provision of, or any obligation imposed by, this section, or has violated any law in the course of his dealings as agent;

(2) made a material misstatement in the application for such license;

(3) been guilty of fraudulent or dishonest practices;

(4) demonstrated his incompetency or untrustworthiness to act as an insurance agent; or

(5) been guilty of rebating as defined by the laws of this state to life insurance companies.

(b) The revocation or suspension of any insurance agent's license shall terminate forthwith the license of such agent. No individual whose license has been revoked shall be entitled to obtain any insurance agent's license under the provisions of this section for a period of one year after such revocation or, if such revocation be judicially reviewed, for one year after the final determination thereof affirming the action of the commissioner of insurance in revoking such license.

Section 30. Every society authorized to do business in this state shall appoint in writing the commissioner of insurance and each successor in office to be its true and lawful attorney upon whom all lawful process in any action of proceeding against it shall be served, and shall agree in such writing that any lawful process against it which is served on said attorney, shall be of the same legal force and validity as if served on said attorney, shall be of the same legal force and validity as if served upon the society, and that the authority shall continue in force so long as any liability remains outstanding in this state. Copies of such appointment, certified by said commissioner of insurance, shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted.

Service shall only be made upon the commissioner of insurance, or if absent, upon the person in charge of his office. It shall be made in duplicate and shall constitute sufficient service upon the society. When legal process against a society is served upon the commissioner of insurance, he shall forthwith forward one of the duplicate copies by registered mail, prepaid, directed to the secretary or corresponding officer. No such service shall require a society to file its answer, pleading or defense in less than thirty days from the date of mailing the copy of the service to a society. Legal process shall not be served upon a society except in the manner herein provided. At the time of serving any process upon the commissioner of insurance, the plaintiff or complainant in the action shall pay to the commissioner of insurance a fee of \$2.00.

Section 31. No application or petition for injunction against any domestic, foreign or alien society, or branch thereof, shall be recognized in any court of this state unless made by the Attorney General upon request of the commissioner of insurance.

Section 32. All decisions and findings of the commissioner of insurance are made under the provisions of this Act shall be subject to review by proper proceedings in any court of competent jurisdiction in this state, as provided in KRS 304.042 to 304.052.

Section 33. All assets shall be held, invested and disbursed for the use and benefit of the society and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof, except as provided in the contract.

A society may create, maintain, invest, disburse and apply any special fund or funds necessary to carry out any purpose permitted by the laws of such society.

Every society, the admitted assets of which are less than the sum of its accrued liabilities and reserves under all of its certificates when valued according to standards required for certificates issued after one year from the effective date of this Act, shall, in every provision of the laws of the society for payments by members of such society, in whatever form made, distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes or the net accretions thereto shall be use for expenses.

Section 34. A society shall invest its funds only in such investments as are authorized by the laws of this state for the investment of assets of life insurance companies and subject to the limitations thereon. Any foreign or alien society permitted or seeking to do business in this state which invests its funds in accordance with the laws of this state, district, territory, county or province in which it is incorporated, shall be held to meet the requirements of this section for the investment of funds.

Section 35. Reports shall be filed and synopsis of annual statements shall be published in accordance with the provisions of this section.

(1) Every society transacting business in this state shall annually, on or before the first day of March, unless for cause shown such time has been extended by the commissioner of insurance, file with the commissioner of insurance a true statement of its financial condition, transactions and affairs for the preceding calendar year and pay a fee of \$5.00 for filing same. The statement shall be in general form and context as approved by the National Association of Insurance Commissioners for fraternal benefit societies and as supplemented by additional information required by the commissioner of insurance.

(2) A synopsis of its annual statement providing an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each benefit member of the society not later than June 1 of each year, or, in lieu thereof, such synopsis may be published in the society's official publication.

(3) As a part of the annual statement herein required, each society shall, on or before the first day of March, file with the commissioner of insurance a valuation of its certificates in force on December thirty-first last preceding provided, the commissioner of insurance may, in his discretion for cause shown, extend the time for filing such valuation for not more than two calendar months. Such report of valuation shall show, as reserve liabilities, the difference between the present mid-year value of the promised benefits provided in the certificates of such society in force and the present mid-year value of the future net premiums as the same are in practice actually collected, not including therein any value for the right to make extra assessments and not including any amount by which the present mid-year value of future net premiums exceeds the present mid-year value of promised benefits on individual certificates. At the option of any society, in lieu of the above, the valuation may show the net tabular value. Such net tabular value as to certificates issued prior to one year after the effective date of this Act shall be determined in accordance with the provisions of law applicable prior to the effective date of this Act and as to certificates issued on or after one year from the effective date of this Act shall not be less than the reserves determined according to the Commissioners' Reserve Valuation method as hereinafter defined. If the premium charged is less than the tabular net premium according to the basis of valuation used, an additional reserve equal to the present value of the deficiency in such premiums shall be set up and maintained as a liability. The reserve liabilities shall be properly adjusted in the event that the mid-year or tabular values are not appropriate.

(4) Reserves according to the Commissioners' Reserve Valuation method, for the life insurance and endowment benefits of certificates providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such certificates, over the then present value of any future modified net premiums therefor. The modified net premiums for any such certificate shall be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the certificate, all of such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the certificate and the excess of (a) over (b) as follows:

(a) a net level premium equal to the present value, at the date of issue, of such benefits provided for after the first certificate year, divided by the present value, at the date of issue, of an annuity of one

per annum payable on the first and each subsequent anniversary of such certificate on which a premium falls due; provided, however, that such net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such certificate; and

(b) a net one-year term premium for such benefits provided for in the first certificate year.

Reserves according to the Commissioners' Reserve Valuation method for (1) life insurance benefits for varying amounts of benefits or requiring the payment of varying premiums, (2) annuity and pure endowment benefits, (3) disability and accidental death benefits in all certificates and contracts, and (4) all other benefits except life insurance and endowment benefits, shall be calculated by a method consistent with the principles of this subsection.

(5) The present value of deferred payments due under incurred claims or matured certificates shall be deemed a liability of the society and shall be computed upon mortality and interest standards prescribed in the following subsection.

(6) Such valuation and underlying data shall be certified by a competent actuary or, at the expense of the society, verified by the actuary of the Department of Insurance of the state of domicile of the society.

The minimum standards of valuation for certificates issued prior to one year from the effective date of this Act shall be those provided by the law applicable immediately prior to the effective date of this Act but not lower than the standards used in the calculating of rates for such certificates.

The minimum standard of valuation for certificates issued after one year from the effective date of this Act shall be three and one-half percent interest and the following tables:

(a) for certificates of life insurance—American Men Ultimate Table of Mortality, with Bowerman's or Davis' Extension thereof or with the consent of the Commissioner of Insurance, the Commissioner's 1941 Standard Ordinary Mortality Table or the Commissioner's 1941 Standard Industrial Table of Mortality.

(b) for annuity certificates, including life annuities provided or available under optional modes of settlement in such certificates—the 1937 Standard Annuity Table;

(c) for disability benefits issued in connection with life benefits certificates—Hunter's Disability Table, which, for active lives, shall be combined with a mortality table permitted for calculating the reserves on life insurance certificates, except that the table known as Class III Disability Table (1926) modified to conform to the contractual waiting period, shall be used in computing reserves for disability benefits under a contract which presumes the total disability shall be considered to be permanent after a specified period;

(d) for accidental death benefits issued in connection with life benefits certificates—the Inter-Company Double Indemnity Mortality Table Combined with a mortality table permitted for calculating the reserves for life insurance certificates; and

(e) for non-cancellable accident and health benefits—the Class III Disability Table (1926) with conference modifications or, with the consent of the commissioner of insurance, tables based upon the society's own experience.

The commissioner of insurance may, in his discretion, accept other standards for valuation if he finds that the reserves produced thereby will not be less in the aggregate than reserves computed in accordance with the minimum valuation standard herein prescribed. The commissioner of insurance, may, in his discretion, vary the standards of mortality applicable to all certificates of insurance on substandard lives or other extra hazardous lives by any society authorized to do business in this state. Whenever the mortality experience under all certificates valued on the same mortality table is in excess of the expected mortality according to such table for a period of three consecutive years, the commissioner of insurance may require additional reserves when deemed necessary in his judgment on account of such certificates.

Any society, with the consent of the commissioner of insurance of the state of domicile of the society and under such conditions, if any, which he may impose, may establish and maintain reserves on its certificates in excess of the reserves required thereunder, but the contractual rights of any insured member shall not be affected thereby.

(7) A society neglecting to file the annual statement in the form and within the time provided by this section shall forfeit \$100 for each day during which such neglect continues, and, upon notice by the commissioner of insurance to that effect, its authority to do business in this state shall cease while such default continues.

Section 36. The commissioner of insurance or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic society and he shall make such examination at least once in every three years. He may employ assistants for the purpose of such examinations, and he, or any person he may appoint, shall have free access to all books, papers and documents that relate to the business of the society. The minutes of the proceedings of the supreme legislative or governing body and of the board of directors or corresponding body of a society shall be in the English language. In making any such examination the commission of insurance may summon and qualify as witnesses under oath examine its officers, agents and employes or other persons in relation to the affairs, transactions and conditions of the society. A summary of the report of the commissioner of insurance and such recommendations or statements of the commissioner of insurance as may accompany

such report, shall be read at the first meeting of the board of directors or corresponding body of the society following the receipt thereof, and if directed so to do by the commissioner of insurance, shall also be read at the first meeting of the supreme legislative or governing body of the society following the receipt thereof. A copy of the report, recommendations and statements of the commissioner of insurance shall be furnished by the society to each member of such board of directors or other governing body. The expense of each examination of each valuation, including compensation and actual expense of examiners, shall be paid by the society examined or whose certificates are valued, upon statements furnished by the commissioner of insurance.

Section 37. The commissioner of insurance, or any person whom he may appoint, may examine any foreign or alien society transacting or applying for admission to transact business in this state. He may employ assistants and he, or any person he may appoint, shall have free access to all books, papers and documents that relate to the business of the society. He may in his discretion accept, in lieu of such examination, the examination of the Insurance Department of the state, territory, district, province or country where such society is organized. The compensation and actual expenses of the examiners making any examination or general or special valuation shall be paid by the society examined or by the society whose certificate obligations have been valued, upon statements furnished by the commissioner of insurance.

Section 38. Pending, during or after an examination or investigation of a society, either domestic, foreign or alien, the commissioner of insurance shall make public no financial statement, report or finding, nor shall he permit to become public any financial statement, report or finding affecting the status, standing or rights of any society, until a copy thereof shall have been served upon the society at its principal office and the society shall have been afforded a reasonable opportunity to answer any such financial statement, report or finding and to make such showing in connection therewith as it may desire.

Section 39. No person shall cause or permit to be made, issued or circulated in any form:

(a) any misrepresentation or false or misleading statement concerning the terms, benefits or advantages of any fraternal insurance contract now issued or to be issued in this state, or the financial condition of any society;

(b) any false or misleading estimate or statement concerning the dividends or shares of surplus paid or to be paid by any society on any insurance contract; or

(c) any incomplete comparison of an insurance contract of one society with an insurance contract of another society or insurer for

the purpose of inducing the lapse, forfeiture or surrender of any insurance contract. A comparison of insurance contracts is complete if it does not compare in detail:

(1) the gross rates, and the gross rates less any dividend or other reduction allowed at the date of the comparison; and

(2) any increase in cash values, and all the benefits provided by each contract for the possible duration thereof as determined by the life expectancy of the insured; or if it omits from consideration;

(3) any benefits or value provided in the contract;

(4) any difference as to amounts or period of rates; or

(5) any difference in limitations or conditions or provisions which directly or indirectly affect the benefits. In any determination of the incompleteness or misleading character of any comparison or statement, it shall be presumed that the insured had no knowledge of any of the contents of the contract involved.

Any person who violates any provision of this section or knowingly receives any compensation or commission by or in consequence of such violation, shall upon conviction be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail not less than thirty days nor more than one year, or both fine and imprisonment and shall in addition, be liable for a civil penalty in the amount of three times the sum received by such violator as compensation or commission, which penalty may be sued for and recovered by any person or society aggrieved for his or its own use and benefit in accordance with the provisions of civil practice.

Section 40. No society doing business in this state shall make or permit any unfair discrimination between insured and members of the same class and equal expectation of life in the premiums charged for certificates of insurance, in the dividends or other benefits payable thereon or in any other of the terms and conditions of the contract it makes.

No society, by itself, or any other party, and no agent or solicitor, personally, or by any other party, shall offer, promise, allow, give, set off, or pay, directly or indirectly, any valuable consideration or inducement to, or for insurance, on any risk authorized to be taken by such society, which is not specified in the certificate. No member shall receive or accept, directly or indirectly, any rebate of premium, or part thereof, or agent's or solicitor's commission thereon, payable on any certificate or receive or accept any favor or advantage or share in the dividends or other benefits to accrue on, or any valuable consideration or inducement not specified in the contract of insurance.

Section 41. Every society organized or licensed under this Act is hereby declared to be a charitable and benevolent institution, and

all of its funds shall be exempt from all and every state, county, district, municipal and school tax other than taxes on real estate and office equipment.

Section 42. Except as herein provided, societies shall be governed by this Act and shall be exempt from all other provisions of the insurance laws of this state, not only in governmental relations with the state, but for every other purpose. No law hereafter shall apply to them, unless they be expressly designated therein.

Section 43. Nothing contained in this act shall be so construed as to affect or apply to:

(a) grand or subordinate lodges of societies, orders or associations now doing business in this state which provide benefits exclusively through local or subordinate lodges;

(b) orders, societies or associations which admit to membership only persons engaged in one or more crafts or hazardous occupations, in the same or similar lines of business, and the ladies' societies or ladies' auxiliaries to such orders, societies or associations;

(c) domestic societies which limit their membership to employees of a particular city or town, designated firm, business house or corporation which provide for a death benefit of not more than four hundred dollars or disability benefits of not more than three hundred fifty dollars to any person in any one year, or both; or

(d) domestic societies or associations of a purely religious, charitable or benevolent description, which provide for a death benefit of not more than four hundred dollars or for disability benefits of not more than three hundred fifty dollars to any one person in any one year, or both.

Any society or association described in clauses (c) or (d) supra which provides for death or disability benefits for which benefit certificates are issued, and any such society or association included in paragraph (d) which has more than one thousand members, shall not be exempted from the provisions of the Act but shall comply with all requirements thereof.

No society which, by the provisions of this section, is exempt from the requirements of this Act, except any society described in paragraph (b), supra, shall give or allow, or promise to give or allow to any person any compensation for procuring new members.

Every society which provides for benefits in case of death or disability resulting solely from accident, and which does not obligate itself to pay natural death or sick benefits shall have all of the privileges and be subject to all the applicable provisions and regulations of this Act except that the provisions thereof relating to medical examinations, valuations of benefit certificates, and incontestability, shall not apply to such society.

The commissioner of insurance may require from any society or association, by examination or otherwise, such information as will en-

able him to determine whether such society or association is exempt from the provisions of this Act.

Section 44. Any person who wilfully makes a false or fraudulent statement in or relating to an application for membership or for the purpose of obtaining money from or a benefit in any society shall upon conviction be fined not less than \$100 nor more than \$500 or imprisonment in the county jail not less than thirty days nor more than one year, or both.

Any person who wilfully makes a false or fraudulent statement in any verified report or declaration under oath required or authorized by this Act, or of any material fact or thing contained in a sworn statement concerning the death or disability of a member for the purpose of procuring payment of a benefit named in the certificate, shall be guilty of perjury and shall be subject to the penalties therefor prescribed by law.

Any person who solicits membership for, or in any manner assists in procuring membership in, any society not licensed to do business in this state shall upon conviction be fined not less than \$50 nor more than \$200.

Any person guilty of a wilful violation of, or neglect or refusal to comply with, the provisions of this Act for which a penalty is not otherwise prescribed, shall upon conviction, be subject to a fine of not more than \$200.00.

Section 45. If any provision of this Act or the application of such provision to any circumstances is held invalid, the remainder of the Act or the application of the provision to other circumstances, shall not be affected thereby.

Section 46. Chapter 300 of the Kentucky Revised Statutes is repealed.

HB 10: AN ACT relating to fire protection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting a fire department aid law it is the intention of the General Assembly to supplement local efforts to prevent the loss of lives and property by fire. The inadequacy of present facilities, the high cost of acquisition and maintenance of modern fire fighting equipment and the need for better trained firemen are hereby declared to be matters of public interest and concern and vital to the promotion of the health, safety, prosperity and security of the inhabitants of the Commonwealth.

Section 2. There is established in the Department of Public Safety an advisory committee to be known as the Fire Department Committee, consisting of eight members, who shall advise the Com-

missioner of Public Safety on all matters pertaining to the provisions of this Act. The members of the Committee shall receive no compensation for their services, but shall be reimbursed for reasonable and necessary expenses incurred in connection with the performance of their duties.

Section 3. One member of the Committee shall be appointed by the Governor from each congressional district from a list of three names submitted from each district. Each city or district entitled to an allotment under the fire department aid law shall be entitled to one vote for nominees from the congressional district. The Commissioner shall give notice to the chief officer of such cities or districts at least ten days before the date of meeting for nominations for committee members. Delegates and nominees must be members of a fire department.

Section 4. The members of the Committee first to be appointed shall hold office two for one year, two for two years, two for three years and two for four years from the effective date of this Act, the term of each to be designated by the Governor. Their successors shall be appointed for terms of four years. Vacancies occurring during a term shall be filled by appointment for the unexpired term.

Section 5. The Commissioner shall allot on an annual basis the funds appropriated for fire department aid in amounts not to exceed \$2,000 to those cities of the third to sixth classes, fire prevention districts organized pursuant to KRS Chapter 75 and county districts established under authority of KRS 67.320, in which a fire department is maintained or being established. With the advice of the Fire Department Committee, he shall prescribe regulations and standards for determining the amounts to be granted. Such standards shall be based on the number of firemen, both paid and volunteer, the amount of equipment, housing facilities available and such other matters or standards as will best effect the purposes of the fire department aid law. No allotment shall exceed the total value of the funds, equipment, lands and buildings made available to the local fire units from any source whatever for the year in which the allotment is made.

Section 6. Funds allotted by the Commissioner shall be expended by direction of the governing body of the city or district only for the maintenance of fire departments, the purchase, maintenance and repair of fire apparatus and equipment including buildings housing such fire departments. Cities of the fifth and sixth classes, or fire prevention district, with population not exceeding 3,000, may expend allotted funds for acquisition of lands or buildings, and for expenses of firemen in attending schools and conventions not exceeding an amount prescribed by regulation.

Section 7. The Commissioner shall make available at all times a list of fire fighting equipment, apparatus and other fire protection

items which may be purchased with allotted moneys. No expenditures shall be made for any item not appearing on the list without first obtaining the written approval of the Commissioner.

Section 8. To carry out the purposes of this Act there is appropriated to the Department of Public Safety out of the General Expenditure Fund in the State Treasury the sum of \$500,000 for the 1958-1959 fiscal year, and the sum of \$500,000 for the 1959-1960 fiscal year. Thereafter the Commissioner shall make the budgetary requests necessary to continue the purposes of this Act.

HB 23: AN ACT relating to grand jurors, petit jurors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Grand jurors and petit jurors in circuit court shall each be paid ten dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, and who do not claim exemption or asked to be relieved from jury service, shall receive ten dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together overnight in custody of the sheriff, petit jurors shall receive five dollars additional for each night they are kept together.

(3) In courts inferior to circuit court, except in counties containing a city of the second class, each juror shall be paid fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

(4) In courts inferior to the circuit court, in counties containing a city of the second class, each juror shall be paid one dollar and fifty cents for each case in which he serves, but if the same juror serves on more than two juries in one day he shall not be allowed a fee for the cases in excess of two.

SB 301: AN ACT relating to coal mining.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The provisions of Chapter 350 of the Kentucky Revised Statutes shall not be applicable to the production of commercial coal from a natural coal deposit by auger mining.

(2) Auger mining for the purposes of this Act means the production of commercial coal from a natural coal deposit by boring hori-

zontally into the deposit and causing removal of the coal by action of the bit or boring apparatus including the removal of such material as may be necessary to furnish a passageway, working space and to expose the coal deposit.

SB 131: AN ACT relating to employers' bonds for the payment of wages to industrial employees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Employers' Bonds*—Every corporation, association, co-partnership, company, firm or person engaged or about to engage in the business of mining coal, ore or other minerals, or quarrying stone, or engaged in any process in connection with well drilling for oil, gas, or water, or manufacturing iron, steel, lumber, staves, barrels, brick, tile, machinery, agricultural or mechanical implements, or construction business in this Commonwealth hereinafter referred to as employers, shall file with the Commissioner of Industrial Relations within 30 days after the effective date of this Act, or within 30 days after the beginning of the production of any of the products or commodities connected with the above industries or construction activities, an application for approval of a bond to secure the payment of monies due to the employees of the applicant. Applicant must establish to the satisfaction of the Commissioner its financial soundness that the applicant will be able to pay in the full amount due the employees on each semi-monthly or weekly payday, whichever is the payroll basis. The Commissioner shall determine the terms, conditions and the amount of the bond, taking into consideration the solvency of the employer, the number of employees and future development of the industry or business for the reasonable protection of any judgment in the collection of any amounts adjudged to be due them.

Such bonds shall be renewed annually, or when the first and succeeding bonds expire or are terminated, or when the protection afforded by the bonds has been so diminished by reason of judgments, or otherwise, so as to render the bonds inadequate.

Section II. *Hearing Concerning Giving of Bond*—The amount and terms of such bonds shall be determined by the Commissioner of Industrial Relations upon reasonable notice and opportunity for hearing. Any person affected by such bond may within 30 days after a final order or determination by the Commissioner requiring such bond bring an action in the Franklin Circuit Court to modify or set aside the determination of the Commissioner.

The Court shall hear the cause and enter judgment affirming, modifying or setting aside the order or determination of the Commissioner, or may in its discretion in advance of judgment remand the cause to the Commissioner for further proceeding consistent with the direction of the Court.

Either party to the action may, within 30 days after the entering of a final judgment by the Circuit Court, appeal to the Court of Appeals and the appeal when filed in the Office of the Clerk of the Court of Appeals shall be docketed and advanced in the same manner as in Commonwealth cases.

Section III. *Claims Secured*—The bond shall secure claims for labor only.

Section IV. *When Wages Due*—No wages shall be deemed to be due for such labor to be performed during the first half of any month until the first weekday of the following month and labor performed during the last half of the month until the 16th day of the month.

Section V. *Proceeding on the Bond*—Upon the failure of any employer to pay its employees in the full amount due them the Commissioner shall, or any interested party may, institute against the principal and sureties on the bond, an action to recover all monies due in the Circuit Court of the county where the labor is performed.

Section VI. *Penalties*—Upon the failure by any of the above employers to comply with the provisions of this Act, the Commissioner or his representative, shall, or any interested party, including a regularly constituted labor union representing the laborers, may, sue, in the Circuit Court in the county where the labor is performed to enjoin the operation of the industry or business until the Act is complied with. Violators of any provisions of this Act shall be fined from \$100.00 to \$500.00 for each day of violation.

Section VII. *Cumulative Remedies*—The remedies herein shall be cumulative to the remedies provided by law.

Section VIII. *Rules and Regulations*—The Commissioner shall have authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out and to effectuate the provisions of this Act.

SR 45: A CONCURRENT RESOLUTION recognizing the vast amount of work already done by the many hundreds of Civil Defense volunteer workers and the Kentucky Civil Defense in the Commonwealth and many problems yet to be solved; and urging the citizens to continue their support of state and local Civil Defense units.

WHEREAS, the Governor of Kentucky, Albert B. Chandler, has seen fit to reactivate the Civil Defense Advisory Council because of the continuing threat of attack by a foreign nation;

WHEREAS, the citizens of Kentucky should also be prepared in the event of a natural disaster which would require the services of Civil Defense;

WHEREAS, many hundreds of volunteer workers throughout the Commonwealth have been giving their time and services to the formation of Civil Defense.

WHEREAS, the Kentucky Civil Defense has secured \$2,500,000 from the Federal Government for the relief of flood damaged areas in Eastern Kentucky during the past twelve months;

WHEREAS, hundreds of thousands of dollars worth of medical and radiological equipment has been provided for the Civil Defense units in Kentucky from United States Government at no cost to the citizens of the Commonwealth; and,

WHEREAS, many problems of protecting our towns, cities and citizens still exist and need to be solved;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That the General Assembly has taken note of the vast amount of excellent work already performed by the Civil Defense volunteer workers of Kentucky and of the efficient job of administering the Civil Defense program of Kentucky by the Kentucky Civil Defense office and its Administrator, Brigadier General Jesse S. Lindsay; that the General Assembly appreciates the duties already performed by these civic-minded citizens and General Lindsay; that the General Assembly realizes that the threat of enemy attack remains on the horizon and that natural disaster is an ever-present possibility and that many problems still exist for the Civil Defense program and that for all of these reasons the General Assembly urges the citizens of the Commonwealth to continue their support of state and local Civil Defense units.

SB 268: AN ACT relating to additional income tax credits for incapacitated persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 141.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) With respect to taxable years beginning after December 31, 1957, an annual tax, consisting of a normal tax and surtax, shall be paid for each taxable year by every resident individual of this state, upon his entire net income as defined in this chapter. Normal tax shall be determined by applying the rates in subsection (2) to net income and subtracting allowable tax credits provided in subsection (3). Surtax shall be determined according to the rates in subsection (4). The annual tax due shall be the sum of the normal tax and the surtax.

(2) The following rates shall be applied to net income:

(a) Two percent of the amount of net income not exceeding three thousand dollars;

(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars;

(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars;

(d) Five percent of the amount of net income in excess of five thousand dollars but not in excess of eight thousand dollars.

(e) Six percent of the amount of net income in excess of eight thousand dollars.

(3) The following tax credits, when applicable, shall be deducted from the result obtained under subsection (2) to arrive at normal tax.

(a) Twelve dollars for an unmarried individual.

(b) Twelve dollars for a married individual filing a separate return and an additional twelve dollars for the spouse of taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer; or twenty-four dollars for married persons filing a joint return, provided neither spouse is the dependent of another taxpayer. The determination of marital status for the purpose of this section shall be made in the manner prescribed in Section 153 of the Internal Revenue Code.

(c) Twelve dollars credit for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than six hundred dollars, or who is a child, as defined in Section 151 (e) (3) of the Internal Revenue Code, of the taxpayer and who (i) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (ii) is a student. No exemption shall be allowed for any dependent who has made a joint return with his spouse.

(d) An additional twelve dollars credit if the taxpayer has attained the age of sixty-five before the close of the taxable year.

(e) An additional twelve dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse has attained the age of sixty-five before the close of the taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(f) An additional twelve dollars credit if the taxpayer is blind or if the taxpayer has been incapacitated by the ravages of poliomyelitis, cerebral palsy, muscular dystrophy or similar crippling conditions at the close of the taxable year.

(g) An additional twelve dollars credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse

is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(h) In the case of nonresidents, the tax credits allowable under this subsection shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's net income in this state to his total net income from all sources; or, if the taxpayer elects to pay the tax under KRS 141.025, as represented by the ratio of the taxpayer's adjusted gross income in this state to his total adjusted gross income.

(i) In the case of a fiduciary, other than an estate, the allowable tax credit shall be two dollars.

(j) In the case of an estate, the allowable tax credit shall be twelve dollars.

(4) The following rates shall be applied to the normal tax to determine the surtax:

(a) Ten percent of the amount of normal tax not in excess of twenty-five dollars;

(b) Twenty percent of the amount of normal tax in excess of twenty-five dollars but not in excess of one hundred dollars;

(c) Thirty percent of the amount of normal tax in excess of one hundred dollars.

(5) An annual tax shall be paid for each taxable year as specified in this section upon the entire net income, except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation or other activities carried on in this state, by natural persons not residents of this state. A non-resident individual shall be taxable only upon the amount of income received by him from labor performed, business done or from other activities in this state, from tangible property located in this state, and from intangible property that has acquired a business situs within this state. The remainder of the income received by him shall be deemed nontaxable by this state.

(6) Subject to the provisions of KRS 141.081 and KRS 141.082, any individual may elect to pay the annual tax imposed by KRS 141.025 in lieu of the tax levied under this section.

SB 306: AN ACT relating to unfair trade practices by a cemetery, memorial park, or place of burial.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any restriction or specification concerning the placing of monuments, markers, tombstones, plaques or plates in any cemetery, memorial park, or place of burial, the imposition of which would tend to prevent the lot owner from purchasing such items from

or contracting with a person, partnership, or corporation for their installation, of his own choosing, shall be deemed an unfair trade practice and unenforceable.

Section 2. No person shall resolve or impose a restriction or specification designed to favor one competitor over another or to obtain a secret payment or allowance of a rebate, a refund, a commission or an unearned discount, whether in the form of money or otherwise.

Section 3. Any person violating any of the provisions of Sections 1 or 2 shall, upon conviction, be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

SB 309: AN ACT relating to parks, playgrounds and recreation centers in cities, counties and school districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 97.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) The acquisition, development, maintenance and operation of parks, playgrounds and recreation centers is a proper municipal purpose for all cities and counties. The legislative body of any city or the fiscal court of any county may dedicate for use as parks, playgrounds and recreation centers any lands or buildings owned or leased by the city or county and not devoted to an inconsistent public use and may acquire real property for such purposes by purchases, lease, condemnation or otherwise, at any place reasonably accessible to the inhabitants of the city or county and either within or without the boundaries of the city or the county.

(2) Any two or more cities, or any city and county, may jointly establish, maintain and conduct a park and recreation system. Any school district may join with any city or county in providing and conducting public parks, playgrounds and recreation centers.

Section 2. Section 97.020 of the Kentucky Revised Statutes is amended to read as follows:

The legislative body of any city or the fiscal court of any county may establish a park, playground and recreation system and may vest the power to provide, maintain and conduct parks, playgrounds and recreation centers in a park board, board of education, playground and recreation board or other existing board. Any board so designated may maintain and equip parks, playgrounds and recreation centers and the building thereon, and may employ trained and qualified park superintendents, playground directors, supervisors, recreation superintendents or other officers and employees as it deems proper.

Section 3. Section 97.030 of the Kentucky Revised Statutes is amended to read as follows:

If the legislative body of any city or fiscal court of any county determines that the power to provide, conduct and maintain parks, playgrounds and recreation centers shall be exercised by a playground and recreation board, or a parks, playground and recreation board, the legislative body of the city or fiscal court may, by resolution or ordinance, establish a playground and recreation board, or a parks, playground and recreation board, which shall possess all the powers and be subject to all the responsibilities of KRS 97.010 to 97.050. The board shall consist of five persons to be appointed by the mayor or county judge, to serve for terms of four years and until their successors are appointed, except that the members first appointed shall be one for one year, one for two years, one for three years and two for four years. Vacancies shall be filled in the same manner as original appointments and for the unexpired term.

Section 4. (1) If two or more political subdivisions determine to jointly establish, maintain and conduct a park and recreation system, the legislative bodies of such counties, cities or other districts involved may by ordinance, order or resolution approve a plan for the establishment of such joint project and for the creation of a joint board representative of the subdivisions involved, and possessed with all the powers and duties of KRS 97.010 to 97.050.

(2) Such board shall consist of not less than five members. The plan shall provide for distribution of membership and all participating governmental units shall have representation thereon. The members of the board shall be appointed by the county judge, mayor of the city or governing body of the district, as the case may be, for terms of four years to serve at the pleasure of the appointing authority. Vacancies shall be filled for unexpired terms by appointment of the authority appointing the member whose office is vacant. The terms of office of such members shall be staggered as provided by order or resolution of the political subdivisions concerned. Members of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(3) The board shall be a body corporate for all purposes, shall elect from its membership a chairman, secretary and treasurer. The treasurer shall execute a bond conditioned on the faithful performance of his duties sufficient in amount to cover funds coming into his hands. The premium on such bond shall be paid from board funds.

(4) Any park, playground or recreation system operated jointly by two or more political subdivisions as provided in KRS 97.010 (2) when this Act becomes effective, shall be governed by this Section.

Section 5. Section 97.040 of the Kentucky Revised Statutes is amended to read as follows:

Any authority in which is vested the power to provide, conduct and maintain parks, playgrounds and recreation centers under KRS 97.020 of Section 3 of this Act, may accept any grant or devise of real estate or any bequest or gift of money or any donation, the principal or income of which is to be used for park, playground or recreation purposes. Money received for such purposes shall, unless otherwise provided by the terms of the bequest, be deposited with the treasurer or department of finance of the city or with the county treasurer or treasurer of the joint board to the account of the authority having charge of such parks, playgrounds and recreation centers and may be withdrawn and paid out in the same manner as money appropriated for recreational purposes.

Section 6. Section 97.050 of the Kentucky Revised Statutes is amended to read as follows:

Whenever the legislative body of any city or the fiscal court of any county or one of them in conjunction with a school district establishes a supervised park, playground and recreation system as provided in KRS 97.010 to KRS 97.040, or jointly, as provided in Section 4 of this Act, the legislative body or the fiscal court or other authority participating may appropriate money out of the general fund of the city or county or other authority for the purpose of expanding, equipping, maintaining and operating such park, playground or recreation center.

Section 7. Section 97.055 of the Kentucky Revised Statutes is amended to read as follows:

For the purpose of establishing or acquiring parks, playgrounds and recreation centers, and appurtenances thereto, a playground and recreation board or a board, as provided in KRS 97.030 or Section 4 of this Act, shall have the same authority to issue revenue bonds granted to cities by KRS 97.150 to 97.240 and all of the provisions of said section shall be applicable in the case of issuance of revenue bonds by such boards.

Section 8. There is hereby created in the Department of Conservation a Division of Recreation. The division shall consist of a State Recreation Board, a director and such other officers, employees and agents as the division, subject to the Commissioner of Conservation, may deem necessary for carrying out the functions of the division.

Section 9. (1) It shall be the function of the division, through the State Recreation Board and the director, to make a study of parks, playgrounds and recreational systems conducted by the counties, cities and other political subdivisions of the Commonwealth, problems of trained personnel, educational activities and activities suitable to the various age groups, the handicapped, financing, facilities and participation by citizens and other civic or public service organiza-

tions, and to promote and assist in the establishing, improving and expanding of such systems.

(2) The division shall conduct an annual state-wide conference or workshop designed to make available to counties, cities and other political subdivisions, or other interested groups, the results of its study as well as the knowledge and experience of national leaders in such programs.

Section 10. (1) The State Recreation Board shall consist of seven members appointed by the Governor, one for a term of one year, two for two years, two for three years and two for four years. At the expiration of such terms appointments shall be made for terms of four years. Vacancies shall be filled by appointment for the unexpired term. Members of the board shall serve at the pleasure of the Governor. The State Recreation Board shall act in an advisory capacity to the Commissioner of Conservation.

(2) Members of the board shall elect a chairman and secretary from its membership and shall keep records of all official actions. A majority of the board shall constitute a quorum. Members of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

Section 11. The Commissioner of Conservation with the approval of the board shall appoint a director, with a background of experience in the field of recreation and having an appreciation of the problems confronted in the establishing of parks, playgrounds or recreation centers, who shall serve as executive officer for the board. The director shall serve at the pleasure of and receive such compensation as may be determined by the Commissioner. In addition to other duties assigned to him by the commissioner, general administrative supervision over all activities, employes and property of the division.

SB 298: AN ACT relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.230 of the Kentucky Revised Statutes is amended to read as follows:

The county clerk shall see that KRS 186.020 to 186.260 in his county are enforced. In so doing he shall:

(1) Take all applications as provided in KRS 186.020 to 186.260 except those in KRS 186.090.

(2) Issue the receipts on blanks furnished by the department.

(3) Collect the fees due the state.

(4) Distribute the registration plates furnished by the department and keep a complete public record of all registrations for his county, in his office.

(5) Report and remit each Monday to the department all moneys collected during the previous week, together with the duplicates of all receipts issued by him during the same period. He shall make all checks payable to the State Treasurer. Upon the failure of a clerk to report and remit for more than fifteen days after the report and remittance are due, he shall pay a penalty of ten percent on the amount of money due in addition. All penalties collected under this provision shall be paid into the State Treasury as a part of the revenue collected under KRS 186.020 to 186.260.

(6) Account to the department for all registration plates and receipt forms consigned to him, at such time or times as the department may direct, and give the department timely notice of a probable deficiency of plates or other supplies.

SB 302: AN ACT relating to the interstate system of highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of KRS 177.220 to 177.310 is created to read as follows:

(1) The rights-of-way of highways forming the federal interstate system shall not be available for the establishment of automotive service stations or other commercial establishments the use of which by motorists would be inconsistent with the plan of limited access.

(2) This section shall not apply to enterprises established under KRS 177.480.

SB 98: AN ACT relating to slaughterhouses and meat inspection.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is the intent of this Act to provide the consuming public with disease free and wholesome meat and meat products.

Section 2. As used in this Act, unless the context requires otherwise:

(1) "Board" means the State Board of Health;

(2) "Council" means the Slaughterhouse Sanitation Advisory Council;

(3) "Department" means the State Department of Health;

(4) "Inspector" means a layman who, under the supervision of a veterinarian, assists in inspections, enforces sanitary requirements, and performs various other duties assigned by the department;

(5) "Person" includes any individual, firm, corporation, association, or partnership;

(6) "Slaughterhouse" means any place or establishment, except those operating under the meat inspection service of the U. S. Depart-

ment of Agriculture, where meat animals are slaughtered, processed, cured, smoked or rendered for human consumption for sale to the public;

(7) "Veterinarian" means a graduate of an accredited college of veterinary medicine who is licensed to practice veterinary medicine in Kentucky.

Section 3. No person shall operate a slaughterhouse without having first obtained a permit as provided for in this Act. An application for a permit to operate a slaughterhouse shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as may be prescribed. Each application shall be accompanied by a permit fee of ten dollars.

Section 4. No slaughterhouse shall be constructed or extensively altered unless approval therefor has first been obtained from the department. An application to construct or extensively alter a slaughterhouse shall include plans and such other information as the department may reasonably require, which may include evidence of ability to comply with requirements of this Act.

Section 5. (1) Upon receipt of an application for a permit to operate, accompanied by the permit fee, the department shall issue a permit if the slaughterhouse meets the standards and requirements of this Act and the rules and regulations of the board; provided, however, that any slaughterhouse which is in operation on the effective date of this Act shall be issued a permit to operate upon application even though it does not comply with the standards and requirements of this Act and the rules and regulations of the board at that time. However, failure to comply with the standards, requirements, and rules and regulations within one year thereafter may result in the department denying to renew such permit.

(2) Each permit to operate, unless denied, suspended or revoked, shall expire on June 30 following its date of issuance, and be renewable annually upon application accompanied by a fee of ten dollars provided the slaughterhouse is in compliance with all the requirements established under this Act including the rules and regulations adopted by the board.

(3) Each permit to operate shall be issued only for the premises and persons named in the application, and shall not be transferable.

(4) Permits to operate shall be posted in a conspicuous place at the slaughterhouse.

Section 6. (1) There is hereby created a Slaughterhouse Sanitation Advisory Council. The council shall be composed of five members. The Commissioner of Health and the Commissioner of Agriculture, Labor and Statistics shall be ex-officio members but may, in their

discretion, designate a representative of their respective departments to serve in their stead and perform their duties. The other three members shall be appointed by the Governor for four years and until their successors are appointed and qualify. One appointive member of the council shall be appointed from a list of three names submitted by the Kentucky Veterinary Medical Association. The other two appointive members of the council shall be appointed from a list of three names for each position submitted by the Kentucky Meat Packers Association.

(2) It shall be the duty of the council in relation to this Act:

(a) To improve all rules and regulations of the board;

(b) To act in an advisory capacity to the department;

(c) To advise the department in the administration and enforcement of this Act;

(d) To make available to the department data and material in its possession together with its views, suggestions and recommendations; and

(e) To act in the capacity of a hearing committee, upon the request of the department, as provided in Section 10 of this Act.

Section 7. (1) On July 1, 1960, the department shall establish and thereafter operate a state meat inspection service under the supervision and direction of qualified veterinarians and inspectors and provide meat inspection service to slaughterhouses issued a permit under the provisions of this Act. A slaughterhouse shall be considered as qualified to receive state meat inspection service when it has complied with the rules and regulations adopted by the board regarding the physical plant, equipment, sanitary facilities, plumbing, operating practices and refuse disposal facilities of such establishment.

(2) On and after July 1, 1960, no person shall sell or offer for sale any meat or meat products unless they have first been inspected in accordance with this section.

(3) All meat and meat food products, inspected and passed and so marked, either on the product or on the package by the state meat inspection service herein authorized, shall be considered as having complied with the rules and regulations of the board governing the inspection of meat and meat food products for wholesomeness.

Section 8. The board is empowered to adopt standards, requirements, and rules and regulations for the proper administration and enforcement of this Act.

Section 9. The department shall enforce the provisions of this Act and the rules and regulations adopted pursuant thereto by the board affecting health, construction, sanitation, water supply, sewage, plumbing, garbage and waste disposal, and the department shall cause to be inspected at least once each year each slaughterhouse and all appurtenances and facilities connected therewith. The department may carry out the provisions of this Act through local health depart-

ments. Agents, representatives, and employees of the department and of local health departments are authorized and empowered to enter upon the premises of any slaughterhouse at any reasonable time for the purpose set forth in this Act.

Section 10. (1) The department may suspend or revoke the permit of any slaughterhouse for violation of any provision of this Act or of any rule or regulation adopted hereunder by the board. Preliminary to the institution of any such proceeding, the department may refer the charge or charges to the council for investigation and recommendations as to adjustment, settlement, or disciplinary action; provided, however, that the department shall not be bound to follow the recommendations of the council.

(2) In every proceeding for suspension or revocation of a permit, the department shall furnish the holder of the permit with written notice setting out the substance of each offense charged, with sufficient detail to reasonably appraise such person of the nature, time and place thereof. No hearing shall be conducted until at least thirty days written notice thereof has been given to the holder of the permit.

(3) Service of notice may be made in the manner prescribed by law for the service of civil processes, or may be made by any employee of the department personally delivering same to the holder of the permit, or by the department forwarding same to the holder of the permit by United States registered mail, postage prepaid, at the address of the holder as reflected by the records of the department.

(4) Hearing may be conducted by a hearing officer or by a hearing committee appointed by the department. The department may, in its discretion, appoint the council as a hearing committee. Any person appointed by the department as a hearing officer or as a member of a hearing committee may administer oaths, issue subpoenas for attendance of witnesses and for the production of books, papers and documents, and cite for contempt, before the circuit or quarterly court in the county in which the hearing is held, disobedience of processes or insubordinate or disrespectful conduct.

(5) The holder of the permit proceeded against shall be known as the "respondent" and shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the department so permits, by deposition.

(6) The department shall notify the holder of the permit by registered United States mail, postage prepaid, of the decision of the department, which decision shall become final and conclusive thirty days after notice thereof.

(7) Any holder of a permit who is aggrieved by an order of the department may procure a declaration of rights under the Declaratory Judgment Act by filing within thirty days after notice of the department's order, a complaint in equity against the department in the circuit court of the county in which the department maintains its prin-

cipal offices, together with a bond with good and sufficient sureties to cover all costs. Summons and a copy of the complaint shall be served upon the Commissioner of Health and the commissioner shall within thirty days thereafter file with the court a transcript of the record of hearing together with a certified copy of the order complained of. The department may file an answer, or such other pleadings as it considers appropriate and the court shall, after considering the transcript of the evidence and the department's order, enter judgment. No new or additional evidence shall be introduced in the circuit court. In the event the action of the department is not sustained the court shall, upon the request of the department, remand the case for further proceedings. Any party aggrieved by the final judgment, order or decree rendered in the case by the circuit court may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided in the Declaratory Judgment Act and the Court of Appeals shall docket and advance the appeal as provided in said Declaratory Judgment Act.

Section 11. All renewal fees or other fees collected by the Department under the provisions of this Act shall be paid into the State Treasury and credited to a trust and agency fund to be used by the department in defraying the costs and expenses of the administration of this Act. No part of this fund shall revert to the general funds of the Commonwealth.

Section 12. (1) City, county and commonwealth attorneys, and the Attorney General shall, within their respective jurisdictions, prosecute all violations of the penal and injunctive provisions of this Act.

(2) Notwithstanding the existence or pursuit of any other remedy (civil or criminal) and action to restrain or enjoin any violation of this Act may be maintained.

Section 13. (1) Any person who operates a slaughterhouse without a permit as prescribed in this Act shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or be imprisoned in the county jail for not more than six months.

(2) Except as otherwise provided in Subsection (1) of this section, any person who violates any provision of this Act or the rules and regulations adopted hereunder shall be fined not less than ten dollars nor more than one hundred dollars. Each day of violation shall constitute a separate offense.

Section 14. This Act shall become effective on July 1, 1958, except for Section 7, which shall become effective on July 1, 1960.

SB 142: AN ACT relating to disposal of dead bodies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall cremate the body of a deceased person without first obtaining from the coroner in the county in which

the death occurred, a written certificate stating the cause of death and authorizing the cremation of the body. Such certificate shall be filed with the local Registrar of Vital Statistics in the same manner as other death certificates.

Section 2. Any person who violates section 1 shall be fined not less than \$1000 nor more than \$5000 or imprisoned in the county jail for not less than thirty days nor more than one year, or both.

Section 3. Section 213.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) When a death occurs without a physician in attendance, the undertaker shall give notice of the death to the registrar, who shall then refer the case to the local health officer for immediate investigation and certification, prior to issuing the burial permit. If the circumstances of the case render it probable that the death was caused by crime, suicide, or by drowning or other sudden cause, or death occurred without the attendance of a physician at any time during the thirty-six hours immediately prior to death, or if the body is to be cremated or transferred out of the state for burial, the registrar shall refer the case to the coroner for his investigation and certification.

(2) Any coroner whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the nature of the disease or the manner of death. If the death was from external causes of violence, he shall state whether in his opinion the death was accidental, suicidal or homicidal. He shall in any case furnish the information required by the Division of Vital Statistics to properly classify the death.

Section 4. Section 213.130 of the Kentucky Revised Statutes is amended to read as follows:

No sexton or person having charge of or being the owner of any cemetery, crematorium or other premises in which dead bodies are interred, cremated, or otherwise disposed of, shall inter, cremate, or permit the interment, cremation, or other disposition of the body of any deceased person on such premises unless it is accompanied by a burial, removal, or transit permit such as is required by KRS 213.110. Each such person shall indorse upon the permit, over his signature, the date of interment, cremation or other disposition of the body, and return all permits so indorsed to the local registrar within ten days from the date of interment, or within the time fixed by the local board of health. He shall also keep a record of all interments, cremations, or other dispositions of bodies made on the premises under his ownership or charge, stating the name of the deceased, his place of birth, the date of burial, cremation or other disposition, and the name and address of the undertaker. This record shall at all times be open to public inspection.

SB 197: AN ACT relating to the Department of Highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

- (1) The Department of Highways may sue and be sued.
- (2) Actions to which the Department of Highways is a party shall be brought in the county in which the cause of action arose.

SB 183: AN ACT relating to employment of teachers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.380 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 160.430, all appointments, promotions and transfers of principals, supervisors, teachers and other public school employes, shall be made upon the recommendation of the superintendent of schools, subject to the approval of the board. When the board and the superintendent disagree upon the recommendation of a teacher, any member of the board may offer a recommendation, and the person so recommended shall be named with the approval of a majority of the board. All employes of the board shall have such qualifications as are prescribed by law and by the regulations of the State Board of Education and of the employing board. Supervisors, principals, teachers and other employes may be appointed by the board of education, for any school year at any time after April 1 next preceding the beginning of the school year.

SB 231: AN ACT relating to schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 157.440 of the Kentucky Revised Statutes is amended to read as follows:

- (1) In addition to the local tax effort required by KRS 157.380, for participating in the equalization account of the public school foundation program fund, such districts or any other district may exceed this levy or the maximum levy provided by KRS 160.475 provided that, upon request of the board, the tax levying authority of the district shall adopt an ordinance or resolution submitting to the qualified voters of the district, in the manner of submitting and voting as prescribed in subsection (1) of KRS 160.477, the question as to whether a rate of more than one dollar and fifty cents or the required local tax effort, whichever rate is higher, shall be levied. If a majority of those voting on the question favor the increased rate, the tax levying authority shall, when the next tax rate for the district is fixed, levy the rate requested by the board not to exceed the rate authorized by the voters.

(2) When any additional tax is levied as provided in subsection (1) the portion used for teachers salaries shall be pro rated to the teachers on an equal basis. All teacher's salary shall be based on qualification, and no teacher shall receive a sum greater than another who has equal qualifications.

SB 110: AN ACT relating to the financial responsibility of owners and operators of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Public Safety.

(2) "Motor Vehicle" means any vehicle required to be registered under the provisions of KRS 186.020.

(3) "Judgment" means any judgment which shall have become final by expiration without appeal in the time within which an appeal might have been perfected or by final affirmation or appeal, rendered by a court of competent jurisdiction of any State of the United States upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of the injury to or destruction of property, including the loss of use thereof, or upon a cause of action or an agreement of settlement for such damages.

(4) "Express or implied consent" or "express or implied permission", as used with reference to the owner of a motor vehicle means initial consent by the owner, or if he is a natural person by an adult member of his immediate family, to the taking of possession of the motor vehicle for the purpose of use or operation, regardless of any limitations or restrictions attached to such consent or permission with respect to the manner, method, purposes, place or period of the use or operation.

(5) "Owner" means a person who holds the legal title to a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this Act.

(6) "Person" means every natural person, firm, co-partnership, association or corporation.

(7) "Registration" means registration certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of motor vehicles.

Section 2. No motor vehicle, except one owned by the State or political subdivision thereof, or by the federal government, shall be registered under the provisions of KRS Chapter 186 unless the application for registration is accompanied by a certificate of proof of the owner's ability to respond in damages as provided in this Act, nor shall any receipt showing transfer of registration on change of ownership of such a motor vehicle be issued under the provisions of KRS 186.190 unless the purchaser at the time of applying for the transfer of registration presents such a certificate of proof of his ability to respond in damages.

Section 3. Proof of ability to respond in damages as contemplated in Section 2 of this Act shall be proof of the owner's ability to respond in damages for liability thereafter incurred, arising out of the ownership, maintenance or use, by the owner or by any other person with his expressed or implied consent, of the motor vehicle sought to be registered, in the amount of \$5,000 because of bodily injury to or death of any one person, and, subject to said limit respecting one person, in the amount of \$10,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$5,000 because of injury to or destruction of property in any one accident. Such proof in such amounts shall be furnished for every motor vehicle registered by any person.

Section 4. The certificate of proof of ability to respond in damages, required by Section 2 of this Act, may consist of any one of the following:

(1) A certificate of an insurance company authorized to do business in this State, that it has issued to or for the benefit of the person named in the certificate a motor vehicle liability policy meeting the requirements of Sections 5 and 6 of this Act which, at the date of the certificate, is in full force and effect and which, unless cancelled as provided in Section 10 of this Act, will continue in full force and effect during the ensuing registration year. The certificate shall designate, by explicit description or by other adequate reference, all motor vehicles to which the policy applies, and shall specify the name, address and business of the insured, the kind of insurance afforded by the policy, the premium charged for it, the policy period and the limits of liability. The certificate shall cover the motor vehicle sought to be registered, and may cover more than one or all of the motor vehicles owned by the insured. The certificate shall certify that the policy described in the certificate will not be cancelled except as provided in Section 10 of this Act, and that the policy complies with the requirements of this Act. The issuance of such a certificate shall be conclusive evidence that the policy described in the certificate conforms to all of the requirements of this Chapter.

(2) A certificate of the Department of Public Safety that the person applying for registration of the motor vehicle has filed with the

Department a bond meeting the requirements of Section 7 of this Act and covering the vehicle sought to be registered.

(3) A certificate of the Department of Public Safety that the person applying for the registration of a motor vehicle has deposited with the Department money or securities meeting the requirements of Section 8 of this Act.

(4) In the case of a motor vehicle to be operated by a common carrier or contract carrier of passengers or property, a certificate of the Division of Motor Transportation that the person applying for registration has filed with the Division a bond, insurance policy or deposit meeting the requirements of KRS 281.655 and covering the vehicle sought to be registered or has qualified with the Division of Motor Transportation as a self insurer with respect to public liability or property damage pursuant to the provisions of KRS 281.655.

(5) A certificate of the Department of Public Safety that the person applying for registration of a motor vehicle has complied with the provisions of Section 17 of this Act with respect to self insurance.

Section 5. (1) A motor vehicle liability policy, in order to constitute proof of ability to respond in damages under the provisions of this Act, shall meet the following requirements:

(a) It shall specify the name, address and business, if any, of the insured, the coverage afforded by the policy, the premium charged, the policy period and the limits of liability. It shall designate by explicit description or appropriate reference all motor vehicles in respect to which coverage is granted.

(b) It shall insure the person named in it and any other person using or responsible for the use of the motor vehicle with the express or implied permission of the insured.

(c) It shall insure every such person on account of the maintenance, use or operation of the motor vehicle within the continental limits of the United States or Dominion of Canada against loss from the liability imposed by law arising from the maintenance, use or operation, to the extent required by Section 3 of this Act, exclusive of interest and costs, with respect to each motor vehicle.

(d) It shall contain an agreement that the insurance is provided in accordance with the coverage defined in this Act respecting bodily injury, death or property damage, or both, and that it is subject to all the provisions of this Act.

(2) The policy may grant any lawful coverage in excess of or in addition to the coverage, specified in this section, and contain any lawful agreements, provisions or stipulations consistent with this Act.

(3) No policy intended to be used as proof of ability to respond in damages shall be issued by any insurance company unless the form of the policy has been approved by the Department of Insurance, and no insurance company shall issue any certificate of the kind contemplated by subsection (1) of Section 4 of this Act unless the form of

the policy described in the certificate has been approved by the Department of Insurance.

Section 6. (1) Every motor vehicle liability policy with respect to which the insurer has issued a certificate under the provisions of subsection (1) of Section 4 of this Act shall be subject to the following provisions, whether or not they are contained in the policy:

(a) The liability of the insurer shall become absolute whenever loss or damage covered by the policy occurs, and the satisfaction by the insured of a final judgment for loss or damage shall not be a condition precedent to the right or obligation of the insurer to make payment on account of the loss or damage.

(b) The insurer may settle any claims covered by the policy, and if a settlement is made in good faith, the amount of it shall be deductible from the limits of liability specified in the policy.

(c) No policy shall be cancelled or annulled as respects any loss or damage by any agreement between the insurer and the insured after the insured has become responsible for the loss or damage, and any such cancellation or annulment shall be void.

(d) The policy, the written application, if any, and any rider or endorsement which does not conflict with this chapter shall constitute the entire agreement between the parties.

(2) The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurer for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions or conditions of the policy. If the policy provides for limits in excess of the limits specified in Section 2 of this Act, the insurer may plead against any plaintiff, with respect to the amount of such excessive limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the prorating of the insurance thereunder with other applicable valid and collectible insurance.

Section 7. (1) Any person desiring to furnish proof of ability to respond in damages by means of a bond shall file with the Department of Public Safety a bond of a surety company authorized to transact business in this State, or a bond with at least two individual sureties, each of whom owns real estate within this State, and which real estate shall be scheduled in the bond. In the case of a bond with such individual sureties, the bond must be approved by the county judge or circuit judge of the county in which the real estate is located.

(2) Any bond filed pursuant to subsection (1) of this Section shall be condition for payment within the limits specified within Section 3 of this Act, by the principal in the bond or by any person using or responsible for the use of the motor vehicle with the express or implied consent of the principal, of any final judgment against such principal or other person on account of bodily injury, death or property damage

resulting from the maintenance, use or operation of the motor vehicle described in the bond.

(3) A bond with individual sureties filed pursuant to subsection (1) of this Section shall constitute a lien in favor of the state upon the scheduled real estate of the sureties, and the lien shall exist in favor of any holder of the final judgment for damages against the principal in the bond or against any person using or responsible for the use of the motor vehicle described in this bond with the express or implied consent of the principal, on account of bodily injury or death, or property damage, resulting from the maintenance, use or operation of the motor vehicle described in the bond. The lien shall run from the time of filing notice to that effect by the department in the office of the county court clerk of the county in which the real estate is located. The county court clerk shall record such notice of lien in a book to be kept for that purpose styled "Motor Vehicle Responsibility Liens". The clerk shall receive a fee of one dollar for recording each such notice of lien, to be paid by the person filing the bond.

Section 8. Any person desiring to furnish proof of ability to respond in damages by means of a deposit of money or securities shall deposit with the Department of Public Safety the sum of ten thousand dollars in cash or securities approved by the Commissioner of Public Safety having a value of not less than ten thousand dollars, and at the same time shall execute a statement upon a form prescribed by the department to the effect that the deposit is made in accordance with and subject to the Provisions of this Act, and that the money or securities so deposited may be applied, within the limits specified in Section 3 of this Act, in payment of any final judgment for damages that may be rendered against such person, or against any other person using or responsible for the use of the motor vehicle described in such statement with the express or implied consent of the owner, on account of bodily injury or death, or property damage resulting from the maintenance, use or operation of the motor vehicle described in the statement. **The Department of Public Safety shall issue a receipt for the money or securities so deposited and shall deliver the money or securities to the State Treasurer to be held in a separate account for the purpose set forth in this Act. The department shall not accept any deposit under this Section unless it is accompanied by evidence that there are no unsatisfied judgments against the depositor of record in the office of the county court clerk or circuit court clerk of the county in which the depositor resides.**

Section 9. (1) Upon the filing of a bond pursuant to Section 7 of this Act, or upon the making of a deposit pursuant to Section 8 of this Act, the Department of Public Safety shall issue an appropriate certificate to the person filing the bond or making the deposit for presentation to the county court clerk as provided in Section 4 of this Act.

(2) A bond, money or securities filed or deposited under the provisions of Section 7 or 8 of this Act shall be held to satisfy any execution issued against the person filing the bond or making the deposit, on a judgment for damages arising out of the ownership, maintenance, use or operation of the motor vehicle covered by the bond or deposit, or issued against any person using or responsible for the use of such motor vehicle with the express or implied consent of the owner of the vehicle, on a judgment for damages arising out of the maintenance, use or operation of the motor vehicle by such person. Money or securities so deposited and held shall not be subject to attachment or execution unless the attachment or execution arises out of such a suit for damages. If such a judgment rendered against a person covered by a bond filed under Section 7 of this Act is not satisfied within 30 days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action in the name of the state against the sureties on the bond, including, in the case of a bond with individual sureties, an action to foreclose the lien upon the real estate scheduled in the bond.

Section 10. (1) No motor vehicle liability policy with respect to which the insurer has issued a certificate under the provisions of subsection (1) of Section 4 of this Act may be cancelled during the policy period, and no bond filed pursuant to Section 7 of this Act may be cancelled or withdrawn during the license year for which it was filed, except for one of the following causes:

(a) Any cause which would authorize or require the Department of Public Safety to suspend or revoke the operator's license of the owner of the vehicle covered by the policy or bond.

(b) Entry of a civil judgment against the owner of the vehicle or against any other person covered by the policy or bond, for damages for bodily injury, death or property damages resulting from the use or operation of the motor vehicle covered by the policy.

(c) Violation by the insured of a lawful provision of the policy.

(d) A cause which, in the opinion of the Department of Public Safety, constitutes an adequate reason for cancellation.

(2) Any insurer or surety desiring to cancel such a policy or bond shall give written notice to the Department of Public Safety, stating a date, not sooner than ten days after the date on which such notice is given, as of which the cancellation is proposed to become effective. This notice shall be accompanied by a statement of the cause for which the cancellation is to be made. If the department is satisfied that the cause is a proper one, it shall forthwith suspend the registration certificate of the motor vehicle covered by the policy or bond, and the certificate shall remain suspended until the owner of the vehicle gives new proof to respond in damages in accordance with this Act. If the department is not satisfied that the cause is a proper one, it shall so notify the insurer or surety, and the cancellation shall

not become effective. When a registration certificate is suspended under the provisions of this section, the department shall so notify the county clerk by whom the certificate was issued.

Section 11. Certificates presented to the county court clerk pursuant to Section 4 of this Act shall be filed by the clerk with the registration records of the persons by whom the certificates were presented, and shall be kept on file and not returned to the registrant. For his services under this Section the county court clerk shall be entitled to a fee of fifty cents for each certificate filed by him, to be paid by the person presenting the certificate.

Section 12. No certificate of proof of ability to respond in damages shall be valid for the purpose of authorizing registration or transfer of registration of a motor vehicle, for any registration year other than the registration year for which it was issued, which year shall be stated in the certificate. Where proof of ability to respond in damages has been made by the filing of a bond, the Department of Public Safety may issue a certificate for a subsequent registration year only upon the filing of a new bond meeting the requirements of this Act. Where proof of ability to respond in damages has been made by a deposit of money or securities, the Department of Public Safety may issue a subsequent registration year upon the same deposit, if the depositor executes a new statement, in accordance with the provisions of Section 8 of this Act, for such subsequent registration year, and presents satisfactory evidence that there is no claim outstanding against him, or against any person who has operated the motor vehicle with his expressed or implied consent, for damages arising out of maintenance, use or operation of the motor vehicle covered by the deposit during the expiring or immediately expired registration year.

Section 13. Where during any registration year the person in whose name the motor vehicle has been registered sells or otherwise parts with ownership of the motor vehicle and acquires another motor vehicle which he desires to register, the county court clerk may register the same upon presentation of satisfactory proof of sale or other disposition of the original motor vehicle, and

(1) In a case where certificate of ability to respond in damages covering the original vehicle was issued by an insurance company, presentation of a certificate from such company that it has issued an endorsement or rider to the original policy, covering the motor vehicle proposed to be registered; or

(2) In a case where the certificate of ability to respond in damages covered the original vehicle was issued by the Department of Public Safety upon a bond filed with the department, presentation of a new certificate from the department certifying that the bond has been endorsed, by the principal and securities, to cover the vehicle proposed to be registered; or

(3) In the case where the certificate of ability to respond in damages covering the original vehicle was issued by the Department of Public Safety upon a deposit of money or securities, presentation of a new certificate from the department certifying that the depositor has executed an amended statement covering the vehicle proposed to be registered; or

(4) In any case, presentation of a new certificate of proof of ability to respond in damages meeting the requirements of this Act.

Section 14. Money or securities deposited pursuant to Section 8 of this Act may be returned to the person entitled thereto, upon the furnishing of satisfactory evidence that there is no claim outstanding against the depositor, or against any person who has operated the motor vehicle with his express or implied consent, for damages arising out of the maintenance, use or operation of the motor vehicle covered by the deposit during the registration period covered by the deposit, in any of the following events:

(1) The death of the depositor.

(2) Presentation of proof that the depositor has sold or otherwise disposed of the vehicle covered by the deposit.

(3) Presentation of proof that the depositor has furnished another form of proof of ability to respond in damages, meeting the requirements of this Act, covering the same vehicle.

(4) Surrender of the registration certificate for the vehicle covered by the deposit.

(5) The expiration of the registration year for which the deposit was made.

Section 15. Any person whose registration certificate has been suspended under the provisions of Section 10 of this Act shall, upon request of the Department of Public Safety, immediately return to the department the registration certificate and the number plates. If any person willfully fails to return to the department such certificate and plates, the department shall forthwith direct any peace officer to secure possession and return them to the department.

Section 16. An insurance company which has issued a motor vehicle liability policy meeting the requirements of this Act shall, upon the request of the insured and without charge, deliver to the insured a certificate which complies with subsection (1) of Section 4 of this Act, but not more than one such certificate shall be issued for any policy, except as provided in subsection (1) of Section 13 of this Act.

Section 17. (1) Any person in whose name more than twenty-five motor vehicles are registered may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this Section.

(2) The department may, at its discretion upon the application of such a person issue a certificate of self insurance when it is satis-

fied that such person is possessed and will continue to be possessed of ability to pay judgments against such a person.

(3) Upon not less than five days notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

Section 18. No person shall forge, or sign without authority, any evidence of ability to respond in damages required by this Act.

Section 19. No person shall engage in the business of leasing, renting, or letting out for hire, motor vehicles to be used for the transportation of persons but for which no driver is furnished such business being commonly known as the "U-Drive-It" or "Rent-A-Car" business until he has filed with the Department of Public Safety an insurance policy covering the owner as the named assured and meeting the requirements provided for in Section 2 of this Act or has qualified as a self-insurer in the same manner as is provided for in Section 17 of this Act.

Section 20. The Department of Public Safety shall make rules and regulations necessary for the enforcement and administration of this Act.

Section 21. This Act shall not prevent a plaintiff from relying for relief upon other processes provided by law.

Section 22. Any person who violates any provisions of this Act shall be fined not less than one hundred dollars nor more than one thousand dollars or imprisoned for not more than ninety days, or both.

Section 23. Section 187.290 to 187.990 of the Kentucky Revised Statutes are repealed.

Section 24. Any sums appropriated to the Department of Public Safety for administration and enforcement of the provisions of Section 187.290 to Section 187.990 of the Kentucky Revised Statutes shall be available to the department for the administration and enforcement of this Act.

SB 312: AN ACT relating to boundaries of cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The city legislative body of a city desiring to annex unincorporated territory or to reduce the boundaries of the city may enact an ordinance defining accurately the boundaries of the territory proposed to be annexed or stricken off, and declaring it to be desirable to annex the territory. The ordinance shall be published in at

least two issues of the daily paper published in and having the largest circulation in the city. If there is no daily paper published in the city, the ordinance shall be published in at least two issues of the weekly paper published in the city. If there is no daily or weekly paper published in the city, copies of the ordinance shall be posted for at least ten days in four of the most public places of the city. In not less than thirty days nor more than one year after the enactment of the ordinance, if the publication has been made and no petition has been filed in the circuit court, the city legislative body may enact another ordinance annexing to the city or striking from the city the territory described in the ordinance. Upon the enactment of this ordinance, the territory shall become part of the city, or be stricken from the city.

(2) Within thirty days of the enactment of the ordinance proposing to annex or reduce, not less than fifty-one percent of the freeholders in the territory may file petition in the circuit court, setting forth the reasons why the territory or any part of it should not be annexed or stricken off. To determine if 51% of the freeholders in the territory have filed a petition in the Circuit Court, the records of the County Assessor of the County in which the territory is located shall be conclusive as to the number of freeholders located in the territory sought to be annexed.

Section 2. (1) The legislative body of a city desiring to annex territory located in another county may pass an ordinance accurately defining the boundary of the territory proposed to be annexed, declaring it to be desirable to annex the territory, and providing that certified copies of the ordinance shall be transmitted to the county judge of each county in which the territory proposed to be annexed lies.

(2) The county judge of each county in which the territory proposed to be annexed lies shall at the next regular meeting of the fiscal court submit the matter to the fiscal court for its approval or rejection. If the fiscal court approves the annexation of the territory, it shall direct the clerk of the fiscal court to submit a certified copy of its approval to the chief executive officer of the city. At the next regular meeting of the city legislative body after the fiscal court has certified approval, the city shall pass an ordinance annexing the territory. If the fiscal court fails to consider and act upon the proposal ordinance at its next regular meeting after receipt of the proposal ordinance, the territory proposed for annexation shall become a part of the city when the city legislative body passes an ordinance making the territory a part of the city.

(3) If the fiscal court rejects the annexation proposal, it shall, within twenty days of the rejection, order the county attorney to file suit in the circuit court in the county in which the territory proposed to be annexed lies, setting forth the reasons why the territory or any part of it should not be annexed.

Section 3. (1) The city legislative body of a city desiring to an-

nex all or any part of a city of a lesser class may pass an ordinance designating the city proposed to be annexed, or defining accurately the part proposed to be annexed, declaring it to be desirable to annex the city or part, and providing that the question of whether or not the city or part should be annexed shall be submitted to the qualified voters of the city proposed to be annexed, or, if only part of the city is proposed to be annexed, to the qualified voters residing in that part, at the next regular election to be held later than sixty days from the passage of the ordinance.

(2) The mayor of the city proposing to annex shall deliver a certified copy of the ordinance to the county clerk, who shall, if it is proposed to annex the whole city, have printed on the ballots provided for use in the city proposed to be annexed, the proposition to be voted on. The proposition shall be stated in the form of a question asking the voter whether he favors being annexed. Opposite the question shall be printed "yes" and "no," with squares for stamping the cross mark to indicate preference. If it is proposed to annex only a part of the city, the clerk shall have the question printed on the ballots provided for use in each precinct embraced in whole or in part within that part of the city proposed to be annexed. If only a part of any precinct is embraced within that part of the city proposed to be annexed the clerk of the election shall mark an "x" with the black ink stencil in the squares opposite both the words "yes" and "no" upon the ballots of all persons voting who reside in the precinct but not in that part of it proposed to be annexed before he delivers the ballots to those voters. The county clerk shall cause the sheriff to deliver copies of the ordinance to the election officers in each precinct in which the question is to be voted on.

(3) If one-half or more of those voting on the proposition have voted in favor of annexation, the city proposing to annex shall pass an ordinance declaring the smaller city or part annexed, and the smaller city or part shall become a part of the annexing city.

(4) If less than one-half of those voting on the proposition have voted in favor of annexation, the ordinance proposing annexation shall be ineffectual for any purpose.

Section 4. A city annexing the territory of a smaller city shall be bound for all the debts and liabilities of that city, and shall be the owner of all its corporate property, franchises and rights. If only a portion of the territory of any city is annexed, the amount of the existing debts and liabilities for which the annexing city is bound shall be in the proportion as the value of the property in the territory annexed bears to the value of all the property of the city from which the territory is taken, as shown by the last preceding assessment of the assessor of that city.

Section 5. (1) In suits brought under Sections 1 and 2 of this Act, the circuit court shall try the case according to equity practice,

without the intervention of a jury. The court shall advance the case upon its docket and shall permit no delay or dilatory motions by any of the parties to the action. In order to speed the trial, the court shall direct the attorneys for the parties to appear before it to consider the simplification of the issues, amendment of pleadings and filing of additional pleadings, stipulation as to facts, documents, records, photographs, plans, and like matters that will dispense with formal proof, limitations on the number of expert witnesses, and requiring each expert witness who will testify to file a statement of his qualifications. The court shall make appropriate orders that will control the subsequent conduct of the case with the view of expediting the hearing and entering final judgment.

(2) If the court finds, upon a hearing, that the adding or striking off of the territory will be for the interest of the city, or that failure to annex or strike off will materially retard the progress and prosperity of the city, or hinder the future expansion of the city, and will cause no manifest injury to the freeholders in the territory sought to be annexed or stricken off, the annexation or reduction shall be approved by the court.

(3) The court may find and decree that only a part or parts of the territory proposed to be annexed shall be annexed, in which event the court shall specifically indicate and prescribe the metes and bounds, or designate by other clear and specified description, the territory that the court finds should be annexed, and that part only shall be annexed.

(4) The judgment shall, when entered, be certified to the city legislative body, which may then annex to or strike from the city the territory described in the judgment.

(5) An appeal from the judgment may be taken within twenty days as in other cases. Costs shall follow the judgment. The Court of Appeals shall advance the case on its docket and give it precedence over other cases.

Section 6. (1) If final judgment is adverse to annexation or reduction, no further attempt to annex or strike off the territory concerned shall be made within one year of the date of the filing of the complaint in circuit court.

(2) If a proposal to annex all or any part of a city of a lesser class is rejected, the question of annexation of all or part of the city of the lesser class shall not be submitted to the voters prior to the next succeeding general election.

Section 7. Sections 81.100, 81.110, 81.120, 81.130, 81.140, 81.150, 81.160, 81.170, 81.180, 81.190, 81.195, 81.200, 81.210, 81.220, 81.230, 81.240, 81.250, 81.260, and 81.270 of the Kentucky Revised Statutes are repealed.

SB 304: AN ACT relating to the Department of Education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 158.030 of the Kentucky Revised Statutes is amended to read as follows:

A "common school" is an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a qualified teacher for a term of eight or more months during the school year and every child residing in the district who is six years of age and over has had the privilege of attending it. Provided, however, that any child who is six years of age or who may become six years of age by October 1 following the opening of school may enter school provided that he enters within thirty calendar days of the beginning of that school year. Any child who becomes six years of age by December 30 following the opening of school may enter school, provided that he passes a reading readiness test developed by the Board of Education and given by a first grade teacher, with the exception that in schools having mid-year promotions any child who is six years of age or who may become six years of age within thirty calendar days after the opening of the second semester may enter school at the beginning of that semester. Any child who becomes six years of age later than December 30 following the opening of the school year shall not enter school during that year and in schools having mid-year promotions any child who becomes six years of age later than thirty days after the opening of the second semester shall not enter school during that semester.

Section 2. This Act shall become effective on July 1, 1959.

SB 297: AN ACT relating to the Legislative Research Commission.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 7.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is hereby created a Legislative Research Commission composed of the Lieutenant Governor, the President Pro Tem of the Senate, the Speaker of the House of Representatives, the majority and minority floor leaders of the Senate and House of Representatives, and the caucus chairman of each party of each house, making eleven members in all. Any vacancy in the commission shall be filled by the remaining members thereof, provided, if the vacancy is in the membership of the House of Representatives then the successor shall be from the House, and if the vacancy is from the Senate membership of the Commission then the successor shall be from the Senate. A member thus elected to fill any vacancy shall hold office for the unexpired term

of his predecessor. The Lieutenant Governor shall be ex officio chairman of the commission.

(2) The Legislative Research Commission shall meet during regular and special sessions of the General Assembly, and during the intervals between sessions at such times and places as the chairman may determine. Meetings of the commission shall be called by the chairman on his own initiative, or at the written request of any five members of the commission. For attending meetings between sessions, whether regular or special, of the General Assembly, the members of the commission, or any subcommittee thereof, shall be paid their necessary traveling expenses and in addition thereto twenty-five dollars per day.

(3) The commission shall appoint a director, who may be a member of the commission, who shall have had graduate training in government in a recognized university or college or practical experience in governmental administration, and who shall hold office at the pleasure of the commission. If a member of the commission is appointed as director, he shall not receive compensation for his position as a commission member. The salary of the director shall be determined by the commission. The commission, through its agent, the director, shall have exclusive jurisdiction over the employment of such personnel as may be necessary to effectuate the provisions of KRS 7.090 to 7.110 but classification of such personnel shall be as provided in KRS Chapter 18.

(4) Any professional, clerical or other employes required by any committee appointed by the General Assembly shall be provided to the committee by the Legislative Research Commission. The chairman of the committee shall advise the director of the Legislative Research Commission of his need for such personnel. In the event that the personnel required by any committee cannot be met by the staff of the Legislative Research Commission, the director shall employ such personnel as necessary to meet the needs of the committee, and shall fix the rate of compensation of such employes.

(5) The director shall, at the discretion of the commission and under its supervision and control, provide for the allocation of the work and activities of all employes of the commission.

(6) The commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information or the printing and publication of its reports.

Section 2. Whereas the Legislative Research Commission does much of its work during the legislative session, and the membership of all members of the commission should become effective during the legislative session, an emergency is declared to exist and this Act shall become effective upon its approval by the Governor.

SB 264: AN ACT relating to compensation for city council members.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The compensation paid to members of the legislative bodies of all cities which operate under the councilmanic form of government, shall be fixed by the legislative bodies of such cities in a sum not to exceed fifteen dollars per actual legislative day. This section shall not apply to cities of the first class.

Section 2. Section 84.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Members of the general council shall be elected for two years and until their successors have qualified.

(2) Each member shall have resided in the city for two years next preceding his election, and shall, at the time of his election, be a male citizen of Kentucky and a housekeeper or owner of real estate in the city. At the time of his election, each councilman shall be at least twenty-four years of age and shall have been, for one year, a bona fide resident and voter of the ward for which he is chosen, and each alderman shall be at least thirty years of age.

(3) No person shall be eligible to be a member of the general council if, at the time of his election, he is interested in any contract with the city or in any application therefor, or is in arrears to the city for money or property collected or held, or has been convicted of malfeasance in office, bribery or other corrupt practice of crime, or holds any office or employment in any corporation that has or is an applicant for a contract with the city, the terms, rates or prices of which are subject to modification or enforcement by the general council. Mere stockholders in such corporations are not ineligible for that reason, but shall not vote on or interfere with any matter of question affecting that corporation in any manner other than it affects the general public.

(4) At any time after the election of a member of the general council, the absence or cessation of any of the qualifications listed in subsection (2) of this section, or the occurring of any of the disqualifications listed in subsection (3) of this section, shall work a forfeiture of his office, and the general council shall so declare.

(5) For anything said in debate, members of the general council are entitled to the same immunities and protection allowed to members of the General Assembly.

Section 3. Section 85.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Members of the common council shall take office on first Monday in December next after their election, and shall hold office for two years and until their successors are elected and have qualified.

(2) Each councilman, at the time of his election, shall be a citizen of Kentucky, shall have attained the age of twenty-four years, shall have actually resided within the city limits for two years next preceding his election, and the last year thereof in the ward for which he is chosen, and shall be a freeholder in the city.

(3) No person shall be eligible to the office of councilman who is, at the time of his election, interested in any contract with the city, or holds any franchise under, or any contract with, the city, or is a collector or keeper of city funds and has not, previous to his election, settled with the city and obtained a quietus. No councilman shall be eligible to any other city office during the period for which he was elected.

Section 4. Section 86.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Members of the city council shall be elected for terms of two years.

(2) Each member of the council shall be a qualified voter in the city, and shall have been for at least six months prior to his election a resident of the ward for which he stands, if the city is divided into wards. No member of the council shall be interested in any contract with the city, or be in arrears to the city for money collected or withheld without a settlement or quietus therefor. The absence of any of the qualifications, or the existence of any of the disqualifications provided for in this subsection shall render a person ineligible to be a member of the council, and the council shall so declare, and shall fill the vacancy.

SB 293: AN ACT relating to public monuments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

It shall be the duty of the maintenance crews of the State Highway Department to clean, repair and maintain all public monuments, shrines, memorials, and historical properties in the state, excepting those already provided for by law to be maintained by other agencies, even though such monuments, shrines, or memorials are or have been erected by private persons or groups.

SB 269: AN ACT relating to local option elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 242.125 of the Kentucky Revised Statutes is amended to read as follows:

(1) In a county-wide election the voters in each city of the first and second classes shall be furnished ballots that ask the voter whether he is in favor of the sale of alcoholic beverages in his city. However, a

city of the first and second classes that voted wet in a city-wide election within three years prior to the county-wide election shall not participate in the county-wide election, and its status shall not be affected by the result of the county-wide election. The voters outside the cities of the first and second classes shall be furnished ballots asking the voter whether he is in favor of the sale of alcoholic beverages outside the corporate limits of the cities of the first and second classes. The ballots cast in the cities shall be separately tabulated, and the ballots cast outside the cities shall be separately tabulated. If the majority of votes cast in a city are for prohibition, the entire city shall be dry. If the majority of votes cast in a city are against prohibition, the city shall be wet, except that precincts that were dry before the election shall continue dry. If the entire city was dry before the election and the majority of the votes cast are against prohibition, the entire city shall be wet. If the majority of votes cast in the county outside cities of the first and second classes are for prohibition, the county outside cities of the first and second classes shall be dry. If the majority of votes cast in the county outside cities of the first and second classes are against prohibition, the county outside cities of the first and second classes shall be wet, except that precincts that were dry before the election shall continue dry.

(2) In elections in cities of the first and second classes other than elections provided for in subsection (1), if the majority of votes cast are for prohibition, the entire city shall be dry. If the majority of votes are against prohibition, the entire city shall be wet, except that precincts that were dry before the election shall continue dry. If the majority of votes cast are against prohibition and the entire city was dry, the entire city shall be wet.

Motions

Senator Hamilton moved to suspend the Rules for the purpose of appointing Honorary Pages in the Senate. Agreed.

Senator Hamilton moved that Stephanie Serafini, Victor Serafini, Dana Serafini, Frederick Serafini, Martin Serafini, David Serafini, Joyce Ann Cushman, Janice Lee Cushman, Charles R. Vickers, Stephen Perkins, Celide Leachman, John Arnold Barnes, Victor Allen Barnes, William Stanley Barnes, Celide Marie Barnes, James Michael Toole, Harold Gene Toole be made Honorary Pages of the Senate. Agreed.

Senator Bassett moved adjournment until 8:00 p.m., Monday, March 10, 1958. Agreed.

MONDAY, MARCH 10, 1958

FIFTIETH LEGISLATIVE DAY

The Senate was called to order by the President, Lieutenant Governor Harry Lee Waterfield.

Prayer by the Reverend Fred T. Moffatt of the First Baptist Church of Frankfort.

The roll was called. All members present except Senator Knuckles, who was granted leave of absence on motion of Senator Bassett.

The reading of the Journal for Friday, March 7, 1958, dispensed with and the same approved on motion of Senator Bassett.

Motions

Senator Van Hoose moved that Town Hall be made an Honorary Page of the Senate. Agreed.

Senator Jackson moved that Margaret Francis, Allissa Francis, and Deborah Francis be made Honorary Pages of the Senate. Agreed.

Senator Freeman moved that Susan Porter, Ann Layman Chancellor, Jane Drury Chancellor, Gregory Williamson, Greg Williamson, and Pamela Homra be made Honorary Pages of the Senate. Agreed.

Senator Lucas moved that Mildred Ann Saylor, Irene Morgan, Janet A. Wathen, Pat Philpot, Dollie Dean Winstead, Nancy Owen be made Honorary Pages of the Senate. Agreed.

Senator Duffy moved that Diana Hollar, Jane St. Clair, Heidi Haas, Debby Ruble and Janet Sherill be made Honorary Pages of the Senate. Agreed.

Senator Hamilton moved that Eric Bruce Waldner, Karen Ann Pitts, Lloyd Thomas Russell, Nancy Stewart Rosson, Joe Perry Hambrick, Terry Dean Hambrick, John Allen Ward, Ann D. Ward, Russ Thomason, Doug Thomason, Carolyn Maxine Stripplehoff, Diane Marlene Stripplehoff, Marla Arlene Lush, Dwight Thomas Lush, Willa Harrod, Michael Thatcher, Gerald Thatcher be made Honorary Pages of the Senate. Agreed.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 49** had been examined and found correctly enrolled. Said bill read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copy be delivered to the House.

SB 49 delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

Introductions

SR 74, by Senator Richmond: A RESOLUTION petitioning the

Governor of the Commonwealth of Kentucky to appoint a committee to study the needs of the mentally retarded in the Commonwealth of Kentucky.

WHEREAS, scientific and technological developments have conclusively shown that mentally retarded children and adults can be helped, to lead normal full lives, and

WHEREAS, Kentucky desires to do everything possible to assist the mentally retarded, as is evidenced by its being the sixth state in the nation to establish a home for the care and training of the mentally subnormal, and

WHEREAS, the number of mentally deficient children in Kentucky was estimated at 17,204 in 1953 and the total population of Kentucky's mentally retarded has been estimated today to be between 24,000 and 34,000, and

WHEREAS, the Legislative Research Commission in January, 1958 recommended in Research Publication No. 60 that "A commission or coordinating council should assume responsibility for the development of both long and short range plans for services to the mentally subnormal of Kentucky," and; the Kentucky Association for Retarded Children has expressed a similar recommendation,

NOW, THEREFORE,

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Governor of the Commonwealth of Kentucky is petitioned to appoint a committee, whose members shall serve without compensation and shall consist of representatives of the Kentucky Training Home and affected state agencies, including the Children's Division, Department of Mental Health, the universities and medical schools of the State, the Kentucky State Department of Education, the Kentucky Association for Retarded Children, and other interested groups and citizens; which committee shall study during the next two years the needs of the mentally retarded in the Commonwealth of Kentucky, and that the committee submit a proposed program to meet these needs to the Governor for consideration at the January, 1960 General Assembly.

Senator Richmond moved the adoption of said resolution. Adopted by voice vote.

SR 75, by Senator Howell: A JOINT RESOLUTION appropriating twenty thousand dollars to the Prestonsburg Disaster Committee.

SR 76, by Senator Van Hoose: A JOINT RESOLUTION authorizing civil action against the Commonwealth and the Department of Highways, or either of them, in the interest of the estate of Florence Reule.

SB 318, by Senator Richmond: AN ACT relating to running races.

SB 319, by Senator Bassett: AN ACT relating to investment of funds by the board of trustees of state employes and county retirement systems.

SB 320, by Senator Bassett: AN ACT relating to highway safety.

SB 321, by Senator Bassett: AN ACT relating to insurance and providing that state agencies may purchase motor vehicle and aircraft insurance to cover state employees in the discharge of official duty.

SB 322, by Senator Bassett: AN ACT relating to the Board of Claims.

SB 323, by Senator Bassett: AN ACT relating to the sale of motor vehicles.

SB 324, by Senator Reuscher: AN ACT relating to cities of the second class.

SB 325, by Senator Warinner: AN ACT relating to election of the State Superintendent of Public Instruction.

Report of Committees

The Rules Committee reported **SR 14** with committee amendment attached thereto, **HB 340**, **SB 93**, **SB 95**, **SB 96**, **SB 100**, **SB 132**, **SB 247**, **SB 307**, **SB 310**, **SB 182**, **HB 300**, **SB 267**, **SB 315**, **HB 298**, **HR 41**, **SB 318** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SR 14: A JOINT RESOLUTION directing the Legislative Research Commission to study the fee system of compensation for official duties.

WHEREAS, it appears that a fee system of compensation for official duties creates opportunities for malfeasance bordering on the pernicious;

WHEREAS, it appears that the evils inherent in such a system have come to the attention of the citizenry and have become a matter of general concern;

WHEREAS, the interests of justice would seem to demand a modification of the system to remove therefrom the possibility of unjust practices; and

WHEREAS, it appears the most practical approach to the correction of the patent evils of the system would be the substitution of a system of salaried compensation for official duties in all instances where such compensation is presently by fee;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is authorized and directed to make a comprehensive study of the desirability

and practicality of a salaried system of compensation for official duties as opposed to a fee system of compensation for such duties.

Section 2. That the results of such study be made the subject of a report by the Legislative Research Commission to the General Assembly, such report to be submitted at the 1960 Regular Session.

Section 3. The sum of \$20,000 is appropriated to the Legislative Research Commission out of the General Fund for the purposes of this resolution. This sum shall not lapse at the end of the 1958-1959 fiscal year but shall be carried over into the 1959-1960 fiscal year.

HB 340: AN ACT Relating To Licenses For Race Tracks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Subsection (2) of KRS 137.170 is amended to read as follows:

Any such race track at which the average daily mutuel handle for any year commencing December 1 and ending the following November 30 exceeds the sum of \$600,000 per day for the days upon which races are actually conducted for any stake, purse or prize, shall pay a license tax of twenty-five hundred dollars per day for each such day. Any such track at which the average daily mutuel handle for any year commencing December 1 and ending the following November 30 exceeds \$450,000 per day for each day upon which races are actually conducted for any stake, purse or prize, but does not amount to \$600,000, shall pay a license tax of one thousand dollars per day for each such day. Any such track at which the average daily mutuel handle for any year commencing December 1 and ending the following November 30 does not amount to \$450,000 per day for the days upon which races are actually conducted for any stake, purse or prize, shall pay a license tax of five hundred dollars per day.

2. There is added to KRS 137.170 a new subsection (3) to read as follows:

As used in the preceding subsection the term "daily mutuel handle" shall be understood to mean the total gross amount of money bet or wagered by its patrons by means of pari-mutuel, combination or French pools.

3. Subsection (1) of KRS 137.180 is amended to read as follows:

Each person engaged in the business of conducting a race track shall, on or before thirty (30) days following the close of each duly licensed race meeting, furnish the Department of Revenue a verified report of the number of days on which races were conducted on that race track during the race meeting, together with a verified report of its daily mutuel handle for each such day during the said meeting, and at the same time pay to the state the tentatively correct amount of the license tax apparently due it pursuant to KRS 137.170.

4. There is added to KRS 137.180 a new subsection (2) to read as follows:

On or before December 31 in each year each such person shall file a final verified report with the Department of Revenue giving in summary form a recapitulation of the information furnished by the previous tentative reports filed during the year, computing the final license tax due the state for the year ending November 30 and showing the amount of license tax actually paid during such year. Any balance of license tax due the state as shown on said final report shall be paid at the same time as the filing thereof. Any overpayment in license tax disclosed by said final report shall, at the option of the taxpayer, be promptly refunded by the state or credited against the license tax to be due from the taxpayer in the following year.

5. The present subsection (2) of KRS 137.180 is renumbered as subsection (3) thereof.

SB 93: AN ACT relating to the registration of marriages, divorces, annulments, and adoptions, with the State Department of Health.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby created within the Division of Vital Statistics of the State Department of Health a section for the collection, indexing, tabulation, and registration of data relating to marriages, divorces, annulments and adoptions. The State Board of Health shall adopt such rules and regulations as may be necessary to carry out the provisions of this Act.

Section 2. Each county court clerk shall, on or before the tenth day of each month, furnish to the Division of Vital Statistics from the marriage licenses issued and the marriage certificates returned to the clerk during the previous month such information as may be required by the State Department of Health upon forms prescribed and furnished by the Department.

Section 3. Each circuit court clerk shall, within forty-five days after the entry of a final judgment of divorce (absolute or limited), annulment of marriage, or adoption, furnish to the Division of Vital Statistics such information as may be required by the State Department of Health upon forms prescribed and furnished by the Department.

SB 95: AN ACT relating to the distribution and sale of packages of hazardous substances intended for household use.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the "Kentucky Hazardous Substances Labeling Act."

Section 2. As used in this Act unless the context clearly indicates otherwise:

- (1) "Board" means the State Board of Health;
- (2) "Department" means the State Department of Health;
- (3) "Person" includes any individual, partnership, corporation, firm or association;
- (4) "Hazardous substance" means any substance or mixture of substances which is:
 - (a) "Toxic" and has the inherent capacity to produce bodily injury to man through ingestion, inhalation, or absorption through the skin, including toxic substances which are poisonous;
 - (b) "Corrosive" on contact with living tissue causing substantial destruction of tissue by chemical action, but does not refer to action on inanimate surfaces;
 - (c) "Irritant" and not corrosive within the meaning of Subsection (4) (b) of this section, which in contact with normal living tissue will induce a severe local tissue reaction;
 - (d) "Flammable" with a flashpoint of eighty degrees Fahrenheit or below;
 - (e) "Radioactive" as a result of disintegration of unstable atomic nuclei and emits energy;
 - (f) Capable of generating pressure through decomposition, heat, or other means if it may cause substantial personal injury or illness during any customary or reasonably anticipated handling or use;
- (5) "Label" means a display of written, printed, or graphic matter upon the immediate container of any substance, or is easily legible through the outside container or wrapper.

Section 3. A hazardous substance is hereby declared to be misbranded when intended for household use if it fails to bear a label:

- (1) Which states conspicuously:
 - (a) The name and place of business of the manufacturer, packer, or distributor;
 - (b) The common or usual name, or the chemical name (if there be no common or usual name), or the recognized generic name (not trade name only) of the hazardous substance or of each component which contributes substantially to its hazard;
 - (c) One of the following signal words: "Danger," "Warning," or "Caution";
 - (d) When necessary, an affirmative statement of the principal hazard or hazards such as "Flammable," "Vapor Harmful," "Causes Burns," "Absorbed Through Skin," or similar wording descriptive of the hazard;
 - (e) Precautionary measures describing the action to be followed or avoided;

(f) Instructions, when necessary, for the first-aid treatment in case of contact or exposure if the substance is hazardous through contact or exposure;

(g) The word "Poison" for any toxic substance which is defined as poisonous by the rules and regulations of the board under the provisions of this Act;

(h) Instructions for handling and storage of packages which require special care in handling or storage; and

(i) The statement "Keep out of the reach of children" or its practical equivalent;

(2) On which any statements required under Subsection (1) of this section are not located prominently and are not in English in legible type in contrast by typography, layout, or color, with other printed matter on the label; provided, however, that the board may by regulations provide for minimum information which shall appear on the labels for small packages, which labels need not include all of the information required by this section; provided further, that the board may provide for less than the foregoing statement of the hazard or precautionary measures for labels of hazardous substances presenting only minor hazards; and a package shall not be deemed misbranded under the provisions of this Act if it is a substance subject to the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, 7 USC 135 et. seq.); the Kentucky Pesticide Act (KRS 217.540 to 217.640); the Federal Food, Drug and Cosmetic Act (52 Stat. 1040 et. seq., Title 21 USC 301 et. seq.); the Kentucky Food, Drug, and Cosmetic Act, or to packages or substances intended for use in agriculture or horticulture for industrial or related uses.

Section 4. No person shall sell, offer for sale, distribute or transport for sale within this state in a package or container intended for general home and household use a hazardous substance which is misbranded.

Section 5. The board shall adopt rules and regulations for the proper administration and enforcement of this Act. The Board may in its discretion adopt tests and standards for determination of toxic, poisonous, corrosive, irritant, flammable, and radioactive properties of any hazardous substance.

Section 6. (1) Whenever a duly authorized agent of the department finds or has probable cause to believe that any hazardous substance is misbranded, within the meaning of this Act, or is dangerous to public health he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, misbranded or dangerous to public health and has been detained or quarantined and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful

for any person to remove or dispose of such detained or quarantined article by sale or otherwise without such permission.

(2) When an article detained or quarantined under Subsection (1) of this section has been found by such agent to be misbranded or dangerous to public health, he shall petition the judge of the police, county, or circuit court in whose jurisdiction the article is detained or quarantined for an order for condemnation of such article; provided, however, that nothing in this section shall require that the department or its agent shall go to court if destruction of the quarantined article is accomplished by agreement made in writing with the owner of the property. When such agent has found that an article so detained or quarantined is not misbranded or dangerous to public health, he shall remove the tag or other marking.

(3) If the court finds that a detained or quarantined article is misbranded or dangerous to public health, such article shall, after entry of the order, be destroyed at the expense of the claimant thereof under the supervision of such agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent; provided, however, that if the quarantining of the article is due only to misbranding which can be corrected by proper labeling of the article, the court, after entry of the order and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling under the supervision of an agent of the department. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article on representation to the court by the department that the article is no longer in violation of this Act, and that the expenses of such supervision have been paid.

Section 7. Before any violation of this Act is reported to the Commonwealth, county or city attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated may be given appropriate notice and an opportunity to present his views to the department, either orally or in writing, with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the department to report for prosecution minor violations of the Act whenever it believes that the public interest will be best served by a suitable notice of warning in writing.

Section 8. Any person violating any provisions of this Act shall be guilty of a misdemeanor and shall on conviction be subject to a fine of not less than ten dollars nor more than one hundred dollars or imprisonment for not more than thirty days, or both. Each day of violation shall constitute a separate offense.

SB 96: AN ACT relating to food establishments, hotels, rooming houses, boarding houses and restaurants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the Hotel, Restaurant, and Food Establishment Act.

Section 2. As used in this Act unless the context indicates otherwise:

- (1) "Board" means the State Board of Health;
- (2) "Department" means the State Department of Health;
- (3) "Person" means any individual, partnership, corporation, firm or association;
- (4) "Food" means: (a) any article used for food or drink for man, or other animals; (b) chewing gum; and (c) articles used for components of such article;
- (5) "Local health department" means any city, county, or city-county department of health;
- (6) "Food establishment," except as otherwise provided in subsections (9) and (10) of this section, means every building, structure, room, vehicle, enclosure or premise permanent or temporary, used and maintained as a place where food intended for human consumption is kept, stored, prepared, manufactured, produced, packed, offered for sale, sold, served or distributed, at wholesale or retail, including food vending machines;
- (7) "Hotel," except as otherwise provided in subsections (8) and (9) of this section, means every building, structure, or premise kept, used, maintained, advertised, or held out to the public as a place wherein four or more rooms are provided for the sleeping accommodations of the public;
- (8) "Rooming house" means every building, structure or premise kept, used, maintained, advertised, or held out to the public as a place wherein four or more rooms are provided for the sleeping accommodations of the public and where the proprietor deals with applicants individually with respect to terms and accommodations and may in his discretion accept or reject any or all applicants;
- (9) "Boarding house" means a rooming house as defined in this section wherein meals are served or provided by the proprietor;
- (10) "Restaurant" means every building, structure, room, vehicle, enclosure or premise, kept, used, maintained, or advertised or held out to the public as a place where food is served without sleeping accommodations; and
- (11) "Proprietor" means the owner, lessee, manager, agent, or the person in charge of any food establishment, hotel, rooming house, boarding house or restaurant.

Section 3. (1) No person shall operate a hotel, rooming house, boarding house or restaurant without having first obtained a permit

as provided by this Act. An application for a permit shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) Food establishments, other than restaurants and boarding houses, shall be exempt from the necessity of obtaining a permit, but shall comply with all other requirements of this Act.

(3) Each application for a permit to operate a hotel, rooming house or boarding house shall be accompanied by a fee of ten dollars, plus one dollar for each bedroom in excess of ten, in no case to exceed fifty dollars.

(4) Each application for a permit to operate a restaurant shall be accompanied by a fee of ten dollars plus one dollar for each four chairs, stools, or spaces where patrons are served in excess of ten, but in no event to exceed fifty dollars.

(5) In the event the proprietor of a hotel also operates one or more restaurants, a separate permit shall be required for each such establishment.

Section 4. (1) Upon receipt of an application for a permit to operate a hotel, rooming house, boarding house or restaurant, accompanied by the permit fee and by a statement of safety approval by the State Fire Marshal, the department shall issue a permit if such establishment meets the requirements of this Act and the rules and regulations of the board.

(2) Each permit to operate, unless denied, suspended or revoked, shall expire on December 31 following its date of issuance and be renewable annually thereafter upon application accompanied by a renewal fee in the amounts prescribed by Section 3 of this Act and a statement of safety approval by the State Fire Marshal, provided such establishment is in compliance with all regulations pertaining to the operation thereof.

(3) Permits heretofore issued by the department for the calendar year 1958 shall continue in force until December 31, 1958.

(4) Each permit to operate shall be issued only for the premises and persons named in the application, and shall not be transferable.

(5) Permits shall be posted in a conspicuous place at such establishment.

(6) Hotels, rooming houses, boarding houses and restaurants operated by state and federal governmental units shall be exempt from the payment of fees and from the necessity of obtaining a permit but shall comply with all other requirements of this Act.

Section 5. Every food establishment, hotel, rooming house, boarding house or restaurant shall be (1) constructed in conformity with any rules or regulations promulgated by the board; and (2) plumbed in conformity with the State Plumbing Code.

Section 6. The board shall promulgate rules and regulations for the proper administration and enforcement of this Act with respect

to construction, equipment, sanitation and sewage of establishments covered by this Act, duties of proprietors, employes and other persons and any other matter concerning health and involving any establishment covered by this Act.

Section 7. No person shall construct, install, or extensively alter a food establishment, hotel, rooming house, boarding house or restaurant without having first obtained the approval of the department in writing of the plans and specifications. Detailed plans and specifications of the proposed facility showing the plumbing system, sewage disposal system, water supply system, use and location of rooms, material of construction, location of equipment, lighting, heating and ventilation, shall be submitted to the department prior to the construction or alteration of the facility. In the event a public sewer is not available, the plan shall include the proposed type of sewage disposal system. All plans and specifications shall be submitted in accordance with the regulations of the board to the department through the local health department concerned. The construction, installation or alteration shall be done in accordance with the approved plans.

Section 8. Any condition, when upon inspection of a food establishment, hotel, rooming house, boarding house, or restaurant, if found to be detrimental to public health or contrary to any of the provisions of this Act, or any rules and regulations promulgated hereunder, is hereby declared to be a public health nuisance. No person shall unlawfully maintain, allow, or permit to exist a public health nuisance as defined in this section.

Section 9. (1) In order to enforce the provisions of this Act, duly appointed agents of the department shall have the authority at any reasonable time to enter and inspect any food establishment, hotel, rooming house, boarding house or restaurant.

(2) If upon inspection there is found to exist any violation of this Act or of the rules or regulations of the board, or if the operation of the establishment is being conducted in a manner detrimental to the health of the employes or safety of guests, or to the wholesomeness or purity of foods, the agent making the inspection shall report the conditions and violations to the department or to the local health department concerned.

(3) The department or local health department to whom the report is made shall issue a written order to the person responsible for the violation or condition to abate the condition or to make the changes or improvements necessary to abate them within a reasonable time as fixed in the order. Notice of the order may be served by delivering a copy to the person, or by sending a copy by registered mail, in which case the post office receipt shall be prima facie evidence that the notice was received. The alleged violator shall have the right to appear in person or by attorney before the department or local health department issuing the notice or the person appointed

for that purpose, within the time limited in the order, and shall be given an opportunity to be heard and to show cause why the order or instructions should not be obeyed. The hearing shall be under rules and regulations to be prescribed by the board. If after the hearing it appears that the provisions of this Act have not been violated, the order shall be quashed. If it appears that the provisions of this Act are being violated, and that the person notified is responsible therefor, the previous order shall be confirmed or amended as the facts warrant, and shall thereupon be final, but such additional time as is necessary may be granted within which to comply with the final order. If the person is not present or represented when the final order is made, notice thereof shall be given as above provided. If the violator fails to comply with the first order within the time prescribed when no hearing is requested, or fails to comply with the final order within the time specified, the facts shall be certified to the commonwealth, county, or city attorney in whose jurisdiction the violation occurred, and such attorney shall proceed against the person for the applicable fines and penalties, and for abatement of the public health nuisance as provided in this Act.

(4) In addition to the remedies herein provided, the department or the local health department concerned is authorized to apply to the appropriate circuit court for a temporary or permanent injunction restraining any person from violating any provision of this Act irrespective of whether or not there exists an adequate remedy at law.

Section 10. (1) When any duly authorized agent of the department or of a local health department finds any article of food that is adulterated, or any other article or substance that is detrimental to public health, he shall affix to such article a tag or other appropriate marking, giving notice that such article is suspected of being adulterated or detrimental to public health and has been quarantined and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. No person shall remove or dispose of such quarantined article by sale or otherwise without such permission.

(2) When an article quarantined under subsection (1) of this section has been found by such agent to be adulterated or dangerous to public health, he shall petition the judge of the police, county, or circuit court in whose jurisdiction the article is found for an order for condemnation of such article; provided, however, that nothing in this section shall require that such agent shall go to court if destruction of the quarantined article is accomplished by agreement made in writing with the owner of the article. When such agent has found that an article so quarantined is not adulterated, he shall remove the tag or other marking.

(3) If the court finds that a quarantined article is adulterated or dangerous to public health, such article shall, after entry of the

order, be destroyed at the expense of the claimant thereof under the supervision of such agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent; provided, however, that when the adulteration can be corrected by proper processing of the article, the court, after entry of the order and after such costs, fees and expenses have been paid and a good and sufficient bond conditioned that such article shall be so processed has been executed, may by order direct that such article be delivered to the claimant thereof for such processing under the supervision of an agent of the department or any local health department. The expense of such supervision shall be paid by the claimant. Such bond shall be returned to the claimant of the article on representation to the court by the department or local health department that the article is no longer in violation of this Act and that the expenses of such supervision have been paid.

Section 11. All fees collected by the department under the provisions of this Act shall be paid into the State Treasury and credited to a trust and agency fund to be used by the department in defraying the costs and expenses of the department in the administration of this Act. No part of this fund shall revert to the general funds of the Commonwealth.

Section 12. (1) The department may suspend or revoke the permit of any hotel, rooming house, boarding house or restaurant for violation of any provision of this Act or of any rule or regulation of the board.

(2) In every proceeding for suspension or revocation of a permit, the department shall furnish the holder of the permit with written notice setting out the substance of each offense charged, with sufficient detail to reasonably appraise such person of the nature, time and place thereof. No hearing shall be conducted until at least thirty days written notice thereof has been given to the holder of the permit.

(3) Service of notice may be made in the manner prescribed by law for the service of civil processes, or by the delivery of same by an employe of the department, or by the department forwarding same to the holder of the permit by United States registered mail at the address of the holder as reflected by the records of the department.

(4) Hearings may be conducted by a hearing officer or by a hearing committee appointed by the department. Any person appointed by the department as a hearing officer or as a member of a hearing committee may administer oaths, issue subpoenas for attendance of witnesses and for the production of books, papers and documents, and cite for contempt, before the circuit or quarterly court in the county in which the hearing is held.

(5) The holder of the permit proceeded against shall be known as the "respondent" and shall be entitled to be represented at the

hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the department so permits, by deposition.

(6) The department shall notify the holder of the permit by registered United States mail of the decision of the department, which decision shall become final and conclusive thirty days after notice thereof.

(7) Any holder of a permit who is aggrieved by an order of the department may procure a declaration of rights under the Declaratory Judgment Act by filing within thirty days after notice of the order, a complaint in equity against the department in the circuit court of the county in which the department maintains its principal offices, together with a bond with good and sufficient sureties to cover all costs. Summons and a copy of the complaint shall be served upon the Commissioner of Health and the commissioner shall within thirty days thereafter file with the court a transcript of the record of hearing together with a certified copy of the order complained of. The department may file an answer or such other pleadings as it considers appropriate and the court shall, after considering the transcript of the evidence and the department's notice, enter judgment. No new or additional evidence shall be introduced in the circuit court. In the event the action of the department is not sustained the court shall, upon the request of the department, remand the case for further proceedings. Any party aggrieved by the final judgment, order or decree rendered in the case by the circuit court may appeal therefrom to the Court of Appeals of Kentucky in the time, method and manner provided in the Declaratory Judgment Act and the Court of Appeals shall docket and advance the appeal as provided by law.

Section 13. Any person who violates any of the provisions of this Act, or any rule or regulation adopted thereunder, shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned for not more than thirty days, or both, and for any subsequent offense shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned for not more than ninety days, or both. Each day of violation or noncompliance shall constitute a separate offense.

Section 14. Section 217.280, 217.290, 217.300, 217.310, 217.320, 217.330, 217.340, 217.350, 217.360, 217.370, 217.380, 217.390, Subsections (6), (7) and (8) of Sections 217.990, 219.010, 219.020, 219.030, 219.040, 219.050, 219.060, 219.070, 219.080, 219.090, 219.100, 219.110, and Subsection (1) of Section 219.990 of the Kentucky Revised Statutes are hereby repealed.

SB 100: AN ACT relating to plumbing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 318.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this Act, unless the context requires otherwise:

(1) "Board" means the State Board of Health;

(2) "Journeyman plumber" means a person who engages or offers to engage, either as an occupation or otherwise, in the construction, installation alteration, maintenance, repair, remodeling or removal and replacement of plumbing under the supervision, direction and responsibility of a master plumber;

(3) "Master plumber" means a person who assumes responsible charge, supervision or direction of journeyman plumbers, plumbers' apprentices and other persons in the construction, installation or alteration of plumbing or who engages in, offers to engage in or advertises or otherwise represents that he is permitted or qualified to engage in the design, plumbing, superintending, contracting for or responsible charge of plumbing;

(4) "Plumbing" means the art of installing in buildings the pipes for distributing the water supply, the fixtures for using water and drainage pipes for removing waste water and sewage, together with fittings, appurtenances, and appliances of various kinds, all within or adjacent to the building. It shall include:

(a) The water service pipe which forms the connection between the property line and the building;

(b) Private water supply systems;

(c) House sewers which convey the waste water and sewage from the building to the property line or other points of disposal; and

(d) Storm sewers, rain water piping and private sewage disposal systems.

(5) "Department" means the State Department of Health;

(6) "Public building" means any building intended for public use or built with public funds and includes but is not limited to the following: Schools, industrial establishments, housing projects, restaurants, food handling establishments, private clubs, theaters including drive-ins, trailer coach parks, camping areas, hospitals, nursing homes, hotels, motels, tourist courts, rooming houses, boarding houses, and other establishments furnishing public sleeping accommodations;

(7) "Maintenance man" means a person employed to maintain and keep plumbing in good repair; and

(8) "Apprentice" means a person in the process of learning the plumbing trade who assists and is under the personal supervision of a licensed master or licensed journeyman plumber.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) This Act applies and shall be in full force and effect in counties containing a city of the first, second, or third class.

(2) The local board of health of any county, including those counties not containing a city of the first, second, or third class, may adopt the State Plumbing Code promulgated by the State Board of Health as a regulation for the county, including the reasonable schedule of fees and charges fixed by the State Board of Health as authorized by Section 18 (3) of this Act. After adoption of the State Plumbing Code by a local board of health, such code shall apply and be in full force and effect in such county and in all cities and towns therein.

(3) The State Plumbing Code promulgated by the board under the provisions of this Act applies and shall be in full force and effect for all public buildings regardless of location in the Commonwealth.

Section 3. Section 318.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) Nothing contained in this Act shall be construed as prohibiting the employment of apprentices to assist licensed master or licensed journeyman plumbers in their duties.

(2) This Act shall not apply to anyone who is employed or acts as a maintenance man.

(3) This Act shall not apply to persons employed by any water company, water district or sanitation district, in the laying, maintenance, and operation of its mains and other appurtenances in the conduct of its business.

(4) The provisions of this Act relating to the licensure of plumbers shall not apply to persons engaged in the practice of plumbing in counties other than those containing cities of the first, second, or third class.

Section 4. Section 318.030 of the Kentucky Revised Statutes is amended to read as follows:

No person shall engage in plumbing or engage in or work at the trade of plumbing in any county containing a city of the first, second or third class:

(1) Unless he is the holder of a valid and effective master plumber's license duly issued by the department in accordance with the provisions of this Act or Chapter 318 of the Kentucky Revised Statutes; or

(2) Unless he is the holder of a valid and effective journeyman plumber's license duly issued by the department in accordance with the provisions of this Act or Chapter 318 of the Kentucky Revised Statutes.

Section 5. Section 318.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) An applicant for a master or journeyman plumber's license shall:

- (a) Be at least eighteen years of age;
- (b) Be of good moral character;
- (c) Be a citizen of the United States or has filed with the United States District Court "first papers" for United States citizenship; and
- (d) Possess all the other qualifications that may be prescribed by rules and regulations of the Board.

(2) Except as otherwise provided in this Act, no master or journeyman plumber's license shall be issued except upon a successful passage of an examination as prescribed by the department.

(3) Examinations for a license as a master plumber or journeyman plumber shall be conducted at such times and places as may be fixed by the regulations of the board. Applicants for an examination shall furnish such information as may be required by the board and shall receive from the department due notice of the time and place of the examination.

(4) The department shall prepare or cause to be prepared under its supervision examinations consisting of written and practical tests with such questions and tests as in the discretion of the department will determine:

(a) With respect to master plumber's license applicants, that such applicants are qualified in view of the definitions, provisions, and purposes of this Act to carry on responsibly, reasonably, and competently, the activities which a licensed master plumber is authorized to engage in by this Act; and

(b) With respect to journeyman plumber's license applicants, their knowledge and competency to carry on the activities which a licensed journeyman plumber is authorized to engage in by this Act.

(5) The examination papers shall be preserved by the department for a period of one year.

Section 6. Section 318.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The following application fees shall be paid to the department; they shall accompany the application for a license and shall not be refunded:

(a) By an applicant for an examination for a license as a master plumber, twenty-five dollars.

(b) By an applicant for an examination for a license as a journeyman plumber, ten dollars.

(2) The following renewal fees shall be paid to the department; they shall accompany the application for renewal of a license and shall not be refunded:

(a) By an applicant for the annual renewal of a license as a master plumber, twenty-five dollars.

(b) By an applicant for the annual renewal of a license as a journeyman plumber, ten dollars.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Every master and journeyman plumber's license issued by the department shall expire on June 30 of each year following the date of issuance unless sooner cancelled or revoked.

(2) On or before June 1 of each year, the department shall send notices to all licensed master and journeyman plumbers in this state, at their last known addresses, advising them that the annual license renewal fee is due on July 1. The annual license renewal fee shall be twenty-five dollars for master plumbers and ten dollars for journeyman plumbers.

(3) Any master or journeyman plumber who fails to renew his license on or before July 1 of each year may have his license renewed upon payment of the required renewal fee and a revival fee. The revival fee for a master plumber shall be five dollars and for a journeyman plumber three dollars. If the renewal and revival fees are not paid by January 1 of the following year it shall be the duty of the department to cancel such licenses for nonpayment.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Persons actively engaged in the practice of plumbing as a master plumber in this state for a period of not less than one year prior to the effective date of this Act in a county or counties not heretofore subject to the provisions of Chapter 318 of the Kentucky Revised Statutes shall, upon furnishing adequate proof thereof to the department and upon payment of an application license fee of twenty-five dollars, be entitled to a master plumber's license without examination. Application for such a license shall be filed with the department not later than sixty days after the effective date of this Act.

(2) Persons actively engaged in the practice of plumbing as a journeyman plumber in this state for a period of not less than one year prior to the effective date of this Act in a county or counties not heretofore subject to the provisions of Chapter 318 of the Kentucky Revised Statutes shall, upon furnishing adequate proof thereof to the department and upon payment of an application license fee of ten dollars, be entitled to a journeyman plumber's license without examination. Application for such a license shall be filed with the department not later than sixty days after the effective date of this Act.

Section 9. Section 318.060 of the Kentucky Revised Statutes is amended to read as follows:

An applicant who fails an examination shall be eligible upon re-application for the next regular examination upon the payment of an additional application fee. Applications shall be cancelled one year

after receipt thereof, in the event the applicant fails to appear for examination.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

The department may revoke or suspend any plumber's license issued by it upon proof that the licensee has:

- (1) Knowingly violated the provisions of this Act or the Kentucky State Plumbing Code, or the rules and regulations of the board;
- (2) Practiced fraud or deception in applying for or obtaining a license;
- (3) Is incompetent to perform services as a licensed master plumber or a licensed journeyman plumber;
- (4) Permitted his license to be used directly or indirectly by another to obtain or perform plumbing work or services;
- (5) Is guilty of such other unprofessional or dishonorable conduct of a character likely to deceive or defraud the public; or
- (6) Been convicted of a felony by a court of competent jurisdiction.

Section 11. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No license shall be suspended or revoked by the department unless a hearing has been conducted or an opportunity afforded therefor, at which the holder of the license shall have the right to be present in person or by counsel and to present evidence and be heard in his own behalf. The holder of the license shall be given written notice of the hearing at least thirty days prior to the date thereof. The notice shall state the time and place of the hearing and set forth the ground or grounds for the suspension or revocation in sufficient detail to appraise the holder of the license of the charges preferred against him. Upon failure of the holder of the license to respond to the complaint at or before the time of the hearing thereon, the allegations set forth in the complaint shall be taken by the department as confessed. Proceedings at such hearings shall be in accordance with the rules and regulations of the board.

(2) The department shall appoint and provide for a hearing officer to conduct such hearings. The hearing officer shall have authority to issue subpoenas for the attendance of witnesses and the production of papers and records, administer oaths, schedule hearings and otherwise act in the name and on behalf of the department, but shall not have authority to suspend or revoke licenses. He shall cause to be prepared and shall certify to the department a complete written transcript of the record of each hearing, including all pleas, motions and other papers relating thereto, for consideration and decision by the department. An order of the department suspending or revoking a license shall be effective thirty days after notice of the entry of such order is given the holder thereof.

(3) Each notice required by this section to be given a licensee shall be served by forwarding same by registered mail, postage prepaid, to the holder at his address as it appears in the records of the department.

(4) A licensee aggrieved by an order of the department suspending or revoking a license may, within thirty days after notice thereof, appeal therefrom to the board in the manner provided by Section 211.090 (1) (b) of the Kentucky Revised Statutes. The decision of the board shall be based on the transcript of evidence prepared by the hearing officer.

(5) A person aggrieved by an order of the board suspending or revoking a license may, within thirty days after notice of such suspension or revocation, appeal therefrom to the circuit court of the county in which the principal office of the department is located by filing a statement of appeal therein together with an appeal bond with good and sufficient surety to secure the payment of any costs charged against him on the appeal. The cost of preparing and certifying the record shall be paid to the department by the appellant and taxed as costs in the action to be paid as directed by the court upon final determination of the action. The appeal shall be determined by the court upon the certified record and no new or additional evidence shall be heard or considered by the court.

(6) Either party aggrieved by a final order entered by the circuit court may appeal to the Court of Appeals as in a civil action.

Section 12. Section 318.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to conduct examinations for persons to qualify as licensed master plumbers or journeyman plumbers, the department shall appoint as examiners the following persons to a State Plumbers Examining Committee: The director of the Division of Engineering in the Department of Health, and three other persons who shall be licensed either as master or journeyman plumbers. The Commissioner of Health shall be an ex-officio examiner and permanent secretary of the committee. With the exception of the issuance of any order involving the revocation, suspension or cancellation of a master or journeyman plumbers license, the Commissioner of Health may delegate to a subordinate employee in the department the power to be present and participate, including the right to vote, as his representative at any meeting, hearing or other proceeding of the State Plumbers Examining Committee. Plumber examiners shall serve at the pleasure of the department.

(2) The department shall appoint assistant plumber examiners who shall be qualified licensed master or journeyman plumbers who shall serve at the pleasure of the department. Assistant plumber examiners shall perform such duties as are delegated to them by the State Plumbers Examining Committee.

(3) Plumber examiners and assistant plumber examiners shall receive no compensation for their services but shall be reimbursed for their necessary traveling expenses.

Section 13. Section 318.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall appoint and assign plumbing inspectors to each county subject to the provisions of this Act and as provided in Subsection (3) of this section.

(2) Each plumbing inspector shall have at least eight years experience as a journeyman or master plumber. At the time of his appointment he shall be licensed in accordance with the provisions of this Act.

(3) In counties other than those containing cities of the first, second or third class in which the local board of health has adopted the State Plumbing Code by regulation for the county, the department shall assign plumbing inspectors to such county in consideration of the plumbing installation permit fees collected by the local health department.

Section 14. Section 318.100 of the Kentucky Revised Statutes is amended to read as follows:

No person shall advertise or hold himself out as a licensed master or licensed journeyman plumber within the Commonwealth of Kentucky unless he is holder of a license from the State Department of Health in accordance with the provisions of this Act.

Section 15. Section 318.110 of the Kentucky Revised Statutes is amended to read as follows:

A company or individual principal may engage in the business of plumbing within a county containing a city of the first, second or third class if some person connected with such a company or individual principal in responsible charge of the plumbing work is a licensed master plumber. Any master plumber, in responsible charge of plumbing work for a company or individual engaged in the plumbing business, shall notify the department at any time he commences or severs his connection with the company or individual principal.

Section 16. Section 318.120 of the Kentucky Revised Statutes is amended to read as follows:

No person or corporation who assumes responsible charge and direction of other persons in the installation of plumbing and drainage in counties containing cities of the first, second and third class, shall employ or engage any person not licensed under this Act to perform and install plumbing and drainage. Provided, however, that this section shall not be deemed to prohibit the employment or use of apprentices as defined in this Act.

Section 17. Section 318.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to administer this Act, the board shall promulgate, and thereafter from time to time may amend, a code to be known as the Kentucky State Plumbing Code, regulating the construction, installation and alteration of plumbing and plumbing fixtures and appliances, house sewers or private sewage disposal systems and private water supplies, and methods to be used therein within this state, using as a minimum standard therefor the basic principles adopted by the subcommittees on plumbing of the Building Code Committee of the U. S. Department of Commerce, as evidenced by that committee's final report of 1951 with such variations thereof or additions thereto as the board considers is warranted by local, climatic or other conditions. The code may also designate the number of plumbing fixtures for public buildings. The board may adopt any other reasonable rule or regulation to administer this Act.

(2) The board may continue in effect any plumbing code duly promulgated by them on file with the Legislative Research Commission in Frankfort, Kentucky, on the effective date of this Act.

Section 18. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) In counties containing a city of the first, second, or third class, and in counties in which the State Plumbing Code has been adopted by regulation of the local board of health, no person, firm or corporation shall:

(a) Construct, install, or alter, or cause to be constructed, installed, or altered, any plumbing without first having procured a plumbing installation permit therefor from the department.

(b) Use or continue to use, or permit the use or continued use of, any plumbing constructed, installed, or altered under a plumbing installation permit issued therefor where the department, through a duly authorized inspector, employee or agent, finds that the plumbing was not constructed, installed or altered in accordance with such permit and the Kentucky State Plumbing Code.

(2) All applications for plumbing installation permits shall be accompanied by plans and specifications of the proposed plumbing installation, location and construction of water supply system, type of sewage disposal, location of septic tank, drain field or pit to be used. No plumbing installation permit shall be issued until plans of the sewage disposal have been submitted to and approved by the department together with the results of an approved percolation test.

(3) The board shall fix a reasonable schedule of fees and charges to be paid for plumbing installation permits and the necessary inspections incident thereto. The board shall also fix a reasonable schedule of fees and charges to be paid for necessary inspections of the construction, installation or alteration of plumbing in public buildings.

Section 19. A new section of the Kentucky Revised Statutes is created to read as follows:

All license fees, permit and inspection fees and charges, and other monies collected by the department, under the provisions of this Act and the rules and regulations of the board adopted hereunder, shall be paid into the State Treasury and credited to a trust and agency fund to be used by the department in carrying out the provisions of this Act. No part of this fund shall revert to the general fund of the Commonwealth. All monies held in trust and agency fund or other fund to the credit of the department for the administration and enforcement of Chapter 318 of the Kentucky Revised Statutes on the effective date of this Act are hereby transferred to the trust and agency fund herein created.

Section 20. Section 318.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any city of the first, second, or third class may, by ordinance, enact a plumbing code, not less stringent in its provisions than the Kentucky State Plumbing Code, regulating the construction, installation, or alteration of plumbing within such city, providing for the issuance of plumbing installation permits and fixing permit and inspection fees. The department may authorize any such city to administer, carry out, and enforce the Kentucky State Plumbing Code and the rules and regulations of the board relating thereto and to issue permits and make inspections thereunder within such city, in which event a permit issued under the provisions of the city plumbing code ordinance shall be deemed a permit issued by the department; provided, however, that inspectors of the department shall have concurrent jurisdiction with city plumbing inspectors in the enforcement in such cities of the Kentucky State Plumbing Code.

(2) Any city enacting a plumbing code ordinance may appoint and fix the compensation of city plumbing inspectors. No person shall be eligible for appointment as a city plumbing inspector unless he has at least eight years experience as a master or journeyman plumber. At the time of his appointment he shall be licensed in accordance with the provisions of this Act.

(3) Nothing contained in this Act shall be construed as prohibiting a city from collecting occupational license fees from persons, firms or corporations engaged in the plumbing business.

Section 21. Section 318.150 of the Kentucky Revised Statutes is amended to read as follows:

No person shall use unsafe or defective material in the work of plumbing or drainage. Only the best known methods of installing materials, fixtures, appurtenances and appliances, including water supply piping, waste, ventilating and soil piping, and sewage piping shall be employed.

Section 22. A new section of the Kentucky Revised Statutes is created to read as follows:

Except as otherwise provided by law or by regulation of the board, no person shall construct, install, or extensively alter any plumbing, sewerage, or water supply system of any public building or establishment without having first obtained the approval of the department in writing. Detailed plans and specifications of the proposed facility showing the plumbing system, sewage disposal system, and water supply system shall be submitted to the department prior to the construction or alteration of the facility. In the event no public sewer is available, the plan shall include the proposed type of sewage disposal system. In the event a sewage sub-soil drainage system is used, a complete soil study, including among other pertinent data, the results of percolation tests shall be submitted. Such percolation tests shall be conducted in accordance with the standards adopted by the department. All plans and specifications shall be submitted in triplicate to the department through the local health department concerned. The department shall notify the applicant in writing of the approval or disapproval of the plans. The construction, installation or alteration shall be done in accordance with the approved plans.

Section 23. A new section to the Kentucky Revised Statutes is created to read as follows:

For the purpose of enforcing the provisions of this Act and the State Plumbing Code, officers, agents and inspectors of the department shall have the power and authority to enter upon premises at all reasonable times for the purpose of making inspections, to interrogate all persons and to require the production of plumbing installation permits and other evidence. Officers, agents, and inspectors of the department are empowered to issue a stop order to any owner, agent, or occupant of real property whenever the plumbing thereon is found by the officer, agent or inspector of the department to be in violation of this Act or the State Plumbing Code.

Section 24. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Notwithstanding the existence or pursuit of any other remedy (civil or criminal) the department, or its officers, agents, or inspectors, are hereby authorized to institute and maintain actions to restrain and enjoin any violation of this Act, the State Plumbing Code, or the rules and regulations of the board relating thereto.

(2) City, county and Commonwealth attorneys, and the Attorney General, shall within their respective jurisdiction represent the department, its officers, agents, and inspectors, in the enforcement of the provisions of this Act, the State Plumbing Code, and the rules and regulations of the board relating thereto, but when the department deems it necessary, it may employ, at its discretion, special attorneys to assist the department, or its officers, agents, or inspectors, and may pay reasonable compensation, fees and other costs from any unexpended plumbing funds.

Section 25. Section 318.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates any provision of this Act or any regulation adopted hereunder or any provision of the State Plumbing Code shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned for not more than ninety days or both for each offense. Each day the violation continues shall constitute a separate offense.

Section 26. Section 318.070 of the Kentucky Revised Statutes is hereby repealed.

SB 132: AN ACT relating to social security, extending coverage to certain state schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to extend to certain employes of the Commonwealth and its political subdivisions, and interstate instrumentalities, not now members of public retirement systems, and to the dependents and survivors of such employes, the basic protection accorded to others by the Old-Age and Survivors Insurance System embodied in the Social Security Act, it is hereby declared to be the policy of the General Assembly to provide such protection to such employes, and their dependents and survivors, on as broad a basis as is permitted under the Social Security Act.

(2) Subject to the provisions of KRS 61.430 (6) and the Federal Social Security Act, as amended, and regardless of present coverage under a public retirement system, it is declared to be the policy of the General Assembly to extend the aforesaid protection to the employes of the state colleges enumerated in KRS 164.290 and to members of the instructional and administrative staffs of the Kentucky School for the Deaf, Kentucky School for the Blind, West Kentucky Vocational School, Mayo State Vocational School and the Northern Kentucky State Vocational School, and the dependents and survivors of each of them.

Section 2. Section 61.420 of the Kentucky Revised Statutes is amended to read as follows:

For the purposes of KRS 61.410 to 61.500:

(1) "Wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of Federal Insurance Contributions Acts would not constitute "wages" within the meaning of that Act;

(2) "Employment" means any service performed by an employee in the employ of the Commonwealth, a political subdivision, or an interstate instrumentality, for such employer, except (a) service of an emergency nature, (b) service which in the absence of an agreement entered into under KRS 61.140 to 61.500 would constitute "employment" as defined in the Social Security Act, or (c) service which under the Social Security Act may not be included in any agreement between the Commonwealth and Federal Security Administrator entered into under KRS 61.410 to 61.500; provided, however, that service, the compensation for which is on a fee basis, may be excluded in any plan approved under KRS 61.410 to 61.500, and provided also, that service in any class of classes of positions, the exclusion of which is permitted under the Social Security Act, may be excluded in any plan approved under KRS 61.460;

(3) "Employee," in addition to its usual meaning, includes both elective and appointive officers of the Commonwealth, political subdivisions, or interstate instrumentalities;

(4) "State agency" means the Division of Personnel Security in the Department of Economic Security;

(5) "Federal Security Administrator" includes any individual to whom the Federal Security Administrator has delegated any of his functions under the Social Security Act with respect to coverage under such act of employees of states and their political subdivisions;

(6) "Political subdivision," in addition to counties, municipal corporations, and school districts, includes instrumentalities of the Commonwealth, of one or more of its political subdivisions or of the Commonwealth and one or more of its political subdivisions, and any other governmental unit thereof;

(7) "Social Security Act" means the Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," including regulations and requirements issued pursuant thereto, as such act has been and may from time to time be amended;

(8) "Federal Insurance Contributions Act" means sub-chapter A of Chapter 9 of the Federal Internal Revenue Code as such Code has been and may from time to time be amended;

(9) "Secretary of Health, Education and Welfare" includes any individual to whom the Secretary of Health, Education and Welfare has delegated any of his functions under the Social Security Act, with respect to coverage under this Act, and with respect to any action taken prior to April 11, 1953, includes the Federal Security Administrator and any individual to whom such Administrator has delegated such functions.

Section 3. Section 61.430 of the Kentucky Revised Statutes is amended to read as follows:

Consistent with the terms and conditions of KRS 61.410 to 61.500, the state agency, with the approval of the Governor, is hereby author-

ized to enter on behalf of the Commonwealth into an agreement with the Secretary of Health, Education and Welfare, for the purpose of extending the benefits of the Federal Old-Age and Survivors Insurance System to employes of the Commonwealth or any political subdivision thereof with respect to services specified in such agreement which constitute "employment" as defined in KRS 61.420. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration and other appropriate provisions as the state agency and Secretary of Health, Education and Welfare shall agree upon, but except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreements shall provide in effect that:

(1) Benefits will be provided for employes whose services are covered by the agreement, and their dependents and survivors, on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The state will pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages equal to the sum of taxes which would be imposed by Sections 1400 and 1410 of the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that Act;

(3) Such agreement or modification of such agreement shall be effective with respect to services performed after an effective date specified in the agreement or modification thereof but in no case prior to January 1, 1955 for cases where such agreement or modification is agreed to prior to January 1, 1958; for cases where such agreement or modification is agreed to during the years 1958 and 1959, the effective date specified in such agreement or modification shall not be earlier than January 1, 1956; and in no case prior to the first day of the calendar year in which such agreement or modification, as the case may be, is agreed to by the Secretary of Health, Education and Welfare and the Commonwealth after December 31, 1959;

(4) All services which constitute employment and are performed in the employ of the Commonwealth by employes of the Commonwealth shall be covered by the agreement;

(5) All services which (a) constitute employment, (b) are performed in the employ of a political subdivision of the state, and (c) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under KRS 61.460, shall be covered by the agreement.

(6) (a) Such agreement or modification of such agreement, as permitted under the Social Security Act, shall include all services described in subsection (4) and performed by employers in positions covered by a retirement system at the various state colleges enumerated in KRS 164.290 and members of the instructional and administrative

staffs of other state schools enumerated in Section 1 of this Act, with respect to which the Governor has issued a certificate to the Secretary of Health, Education and Welfare pursuant to this section;

(b) With respect to groups embraced in subdivision (a) of this subsection the Governor shall authorize referendums and designate agencies or individuals to respectively supervise their conduct in accordance with the requirements of Section 218 (d) (3) of the Social Security Act and this subsection.

(c) Such referendum shall be conducted in conformity with the following conditions:

Each referendum shall be by secret, written ballot on the question of whether or not service in positions now covered by a public retirement system in the state college or school shall be included under the agreement between the Governor and the Secretary of Health, Education and Welfare.

An opportunity to vote in such referendum shall be given and shall be limited to all eligible employees of such state college or school;

Not less than ninety days notice of such referendum shall be given to all such employees of the state college or school;

Such referendum shall be conducted under the supervision of an agency or individual designated by the Governor;

The proposal for coverage shall be approved only if a majority of the eligible employees of the state college or school vote in favor of including services in such positions under the agreement;

(d) Upon receiving satisfactory evidence that, with respect to any such referendum, the conditions specified in this subsection and Section 218 (d) (3) of the Social Security Act have been met, the Governor shall so certify to the Secretary of Health, Education and Welfare;

(7) For the purposes of this section, employees of each of the colleges enumerated in KRS 164.290 or schools enumerated in Section 1 of this Act shall be considered a separate coverage group.

SB 247: AN ACT relating to motor transportation, providing a change in bus mileage taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.815 of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

(1) On or before January 1 of each year, and as a condition precedent to the use of the highways, every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways an annual tax upon each motor vehicle so used, as follows: Four dollars and fifty cents for each regular seat for the first thirty-one seats, and eight dollars for all seats in excess of thirty-one; except that taxicabs, city

busses, industrial busses, suburban busses, and U-Drive-Its, shall pay the fee set forth in subsection (3) of this section.

(2) Every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways, including dead-head mileage, a mileage tax as follows: Busses with one to twenty regular seats, inclusive, none; busses with twenty-one to twenty-nine regular seats, inclusive, one-fourth of a cent per mile; busses with thirty to thirty-four regular seats, inclusive, one-half of a cent per mile; busses with thirty-five to thirty-nine regular seats, inclusive, three-fourths of a cent per mile; busses with forty regular seats or more, one cent per mile.

(3) Taxicabs, city, suburban, and industrial busses, and U-Drive-Its, shall pay a license fee based upon seating capacity as follows:

Each taxicab	\$3.00 per seat
Each city bus	1.50 per seat
Each industrial bus	2.50 per seat
Each suburban bus	1.50 per seat
Each U-Drive-It Passenger Car	2.50 per seat

(4) All cities of the Commonwealth are hereby authorized to impose an annual license tax on all taxicabs certified by the Department of Motor Transportation for operation in said city, which license tax shall not exceed thirty dollars per taxicab.

(5) All cities of the Commonwealth are hereby authorized to impose a mileage tax upon city busses when operating in said city under the authority of a city bus certificate, provided that said mileage tax shall not be in excess of one-fourth of a cent per mile operated in said city, and, in computing said mileage tax, miles operated upon roads or streets maintained by the Commonwealth or by any other governmental agency, except the city, shall not be counted.

Section 2. This Act shall become effective July 1, 1958.

SB 307: AN ACT relating to the salaries of certain state-wide elective officials.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 64.480 of the Kentucky Revised Statutes is amended to read as follows:

Effective, with respect to the offices of Governor and Lieutenant Governor, on the fifth Tuesday following the regular November election in 1959, and with respect to the other offices named in this section, on the first Monday in January, 1960, the compensation of the following named officers, payable monthly out of the State Treasury, shall be the sum per annum designated for the respective offices, as follows:

Governor, \$18,000.

Lieutenant Governor, an amount sufficient, when added to any per diem received during sessions of the General Assembly while serv-

ing in the capacity of President of the Senate, to equal \$12,000 per annum, plus any compensation received while acting in the place of the Governor.

Attorney General, \$12,000.

Superintendent of Public Instruction, \$12,000.

Commissioner of Agriculture, Labor and Statistics, \$12,000.

Secretary of State, \$12,000.

State Treasurer, \$12,000.

Auditor of Public Accounts, \$12,000.

Clerk of the Court of Appeals, \$12,000.

SB 310: AN ACT relating to courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) No court in the Commonwealth of Kentucky shall have the power or authority to enter an order filing away in a criminal proceeding except upon the express consent of the accused. When such order is entered it shall affirmatively state that it was entered with such consent.

(2) No case may be reinstated if one year or more has elapsed from the date of entering the order filing away the proceeding.

SB 182: AN ACT relating to the conduct of regular elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 118.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county board of election commissioners shall constitute a board for examining and canvassing the election returns of each county. Any two of the members of the board may constitute the board, but if either member is a candidate, he shall have no voice in the decision of his own case. If, from any cause, two of the members of the board cannot act, in whole or in part, in examining and canvassing the returns, their places shall be supplied as in the case of vacancies in the board.

(2) The county clerk shall assist the county board of election commissioners, and shall act as its clerk in the counting and certifying of the ballots and the results of the election, for which he shall receive compensation to be allowed by the fiscal court. The board may employ, at county expense, such clerical help as it deems necessary to make the count.

(3) The county board of election commissioners shall meet for the purpose of counting the ballots, issuing certificates and making a report, at 6 p.m. on the day of election, in the office of the county clerk or in some other room designated by the board. The board shall proceed as speedily as practicable to count the ballots of every precinct in

the county. At the finish of each precinct, the board shall announce the results at the door of the room where the count is being conducted, and shall fill out the blank in the back of the stub book provided for that purpose, and each commissioner shall sign the blank in the proper place. The board shall remain in session for the purpose of ascertaining the results of the election until midnight on the election day, and if the count is not then completed, it may then adjourn until the following day at 8 a.m., unless the following day is a Sunday, in which case it shall adjourn until 8 a.m. on the day following the Sunday. If the day following the election is a legal holiday, the board may adjourn until 8 a.m. on the day following the legal holiday. On the adjourned day the board shall remain in session, if necessary to complete the count, until 6 p.m., or longer in its discretion. If the count is not then completed, the board shall reconvene so that the count is completed within a period of not more than one week from the day on which the election was held, and in no event shall the count take longer than one week.

(4) Any person who is a candidate for office at the election may, by oral request, obtain the final results from said board, and if said results are not completed by the board, as provided in Subsection (3), the candidate may by written request to the county or Commonwealth's attorney, or by an attorney of his own choosing, have the Commonwealth's attorney or the attorney of his own choice proceed with a mandamus action against said board members in the circuit court of the district to compel the board to complete the count.

(5) The county clerk shall provide a large sheet upon which to tabulate the vote of the whole county and of each district or city, so that each candidate can ascertain the number of votes cast for him in each precinct and the total number cast for him in the election unit. If any ballots are found mutilated, defaced, marked, spoiled or otherwise questionable so that they are of doubtful integrity, the board shall write on each such ballot whether it has been counted, and if so, for whom, and shall then place them in an envelope to be provided by the county clerk, and seal it.

HB 300: AN ACT relating to the terms of court in the twenty-third judicial district.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The preamble and subsection (23) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(23) Twenty-Third District. Estill County, at Irvine, on the first Monday in February, the fourth Monday in May, and the third Monday in September, eighteen juridical days each.

Lee County, at Beattyville, on the fourth Monday in February, the third Monday in June, and the second Monday in November, eighteen juridical days each.

Owsley County, at Booneville, on the third Monday in March, the second Monday in July, and the first Monday in December, twelve juridical days each.

Section 2. Whereas, the next term of court to be held in Estill County is fixed for the fourth Monday in April, an emergency is hereby declared to exist and this Act shall become effective on April 1, 1958.

SB 267: AN ACT relating to police officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any policeman or peace officer in this state except those in cities of the first and second class may, unless specifically prohibited by ordinance, accept outside employment for compensation. Such employment shall be of a kind not incompatible with the policeman's official duties, and shall not interfere with his regular duties.

SB 315: AN ACT relating to economic development.

WHEREAS, there currently exists in certain areas of the Commonwealth the need for an increased number of industrial enterprises so as to bring about more beneficial utilization of human resources, and the products of our mines, forests, farms, industries and other resources;

WHEREAS, it is a proper responsibility of State Government to assist and encourage in every way possible, compatible with the principles of free enterprise, the development and expansion of business and industry, by which may be provided enlarged employment opportunities and a higher standard of living for the people of this Commonwealth;

WHEREAS, the device under which private community industrial development organizations in Kentucky acquire and improve industrial sites and acquire and build industrial buildings with funds raised through popular subscription, mortgage borrowing or otherwise, for lease and sale to new and expanding industries has proven effective in creating new employment and business opportunities locally, is in accord with the American tradition of community initiative and enterprise, and requires and deserves encouragement and support from the Commonwealth;

WHEREAS, by increasing the number of community industrial sites and building projects presenting attractive opportunities for private investment in such areas, a larger portion of the private capital available in Kentucky for investment can be put to use in the general economic development of the Commonwealth;

WHEREAS, existing programs for the economic development of the Commonwealth may be made more effective through the establishment of a source of intermediate venture capital to bridge the gap between funds available from banks and other private lending institutions, on the one hand, and from local development organizations, on the other hand;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act shall be known as the Industrial Development Finance Act.

Section 2. It is the purpose of this Act to promote the health, safety, morals, right to gainful employment, business opportunities and general welfare of the inhabitants of the Commonwealth by the creation of a body corporate and politic to be known as the "Industrial Development Finance Authority" which shall exist and operate for the public purpose of alleviating unemployment and furthering the utilization of natural and man-made resources by the promotion and development of industrial and manufacturing enterprises in local communities of the Commonwealth. Such purposes are hereby declared to be public purposes for which public money may be spent.

Section 3. As used in this Act unless the context requires otherwise:

(a) "Authority" means the Industrial Development Finance Authority;

(b) "Local development agency" means any incorporated organization, foundation, association or agency, regardless of the particular name, to whose members or shareholders no profit enures, and which has as its primary function the promotion, encouragement and development of industrial and manufacturing enterprises;

(c) "Industrial building project" means any site, structure, facility or undertaking comprising or being connected with or being a part of an industrial or manufacturing enterprise established or to be established by a local development agency; and

(d) "Industrial subdivision project" means any tract of land of not less than fifty acres, located within or near the corporate limits of a city, together with utilities, services, and access roads, to be acquired by a local development agency and sold or leased to one or more manufacturing enterprises;

Section 4. (1) There shall be an Industrial Development Finance Authority in the state government which shall be an agency independent of the Executive Branch.

(2) The Authority shall consist of the Lieutenant Governor who shall be the chairman, the Commissioner of Banking, the Commissioner

of Economic Development, the Commissioner of Economic Security, and the Commissioner of Finance, and three additional members appointed by the Governor, one each to be appointed from lists of nominees submitted by the Kentucky State Banker's Association and the Kentucky Chamber of Commerce, and a third to be a Kentucky member in good standing of the National Association of Securities Dealers.

(3) The members initially appointed by the Governor shall be appointed for terms of two, three and four years, respectively, from the date of their appointment and until their respective successors shall be duly appointed and qualified, the term of each appointed member to be designated by the Governor at the time of his appointment. Their successors shall each be appointed for a term of four years, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any appointed member of the Authority shall be eligible for reappointment.

(4) Members of the Authority shall be entitled to no compensation for their services as members, but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members.

Section 5. (1) A majority of the members shall constitute a quorum for the purpose of organizing the Authority and conducting the business thereof, and, except in the instance of applications for financial assistance, all action may be taken by a vote of a majority of the members present, except where regulations of the Authority prescribe a larger number. Approval or rejection of loan applications shall be by a majority vote of the full membership of the Authority.

(2) The Authority is authorized to make reimbursement to any agency of the Commonwealth for such special expenses as may be incurred in the provision of any services or the use of any facilities required by the Authority.

Section 6. The Authority may exercise all powers necessary or appropriate to carry out and effectuate the purposes of this Act, including the following powers, in addition to others herein granted:

(a) To cooperate with local development agencies in their efforts to promote the expansion of industrial and manufacturing activity;

(b) To conduct hearings and other methods of examination and to authorize any of its members to do so on any matter material for its information and necessary to the determination of the feasibility of industrial building and industrial subdivision projects;

(c) Accept gifts or grants from any source, and to enter into contracts or other transactions with any federal agency;

(d) To make contracts of every nature and to execute all instruments necessary or convenient for the carrying on of its business;

(e) To take title by foreclosure to any industrial building project where such acquisition is necessary to protect any loan previously

made therefor by the Authority and to sell, transfer and convey any such industrial building project to any responsible buyer. In the event such sale, transfer and conveyance cannot be effected with reasonable promptness, the Authority may in order to minimize financial losses and sustain employment, lease such industrial building project to a responsible tenant or tenants;

(f) To take title by foreclosure to any industrial subdivision project where acquisition is necessary to protect any loan previously made therefor by the Authority and to sell, transfer, and convey any such industrial subdivision project to any responsible buyer, including the Commonwealth of Kentucky;

(g) To adopt, use and alter at will a corporate seal;

(h) To appoint officers, agents and employes and to prescribe their duties and to fix their compensation, within the limitations provided by law; and

(i) To promulgate reasonable regulations for the administration of this Act.

Section 7. The Authority shall make such examinations as are necessary to determine the financial soundness and feasibility of an industrial building or industrial subdivision project. Such determination shall be a prerequisite to granting of any loan to a local development agency.

Section 8. The Authority shall promulgate regulations governing its proceedings and its determinations of eligibility for loans. Such regulations shall be based on transportation facilities, available utilities, existing industrial land, zoning, real estate prices, labor supply, unused natural resources, capital available for investment, and other relevant considerations. Regulations governing applications shall obtain full disclosure of financing plans and evidence that establishment of a new industrial subdivision will not be competitive with an existing, improved subdivision or that establishment of a new industrial building project will not cause an existing facility to relocate. Regulations governing the granting of loans shall be based on the expressed purposes of this Act and shall be such as to reasonably protect the loan by the Authority.

Section 9. (1) Any local development agency may apply to the Authority for assistance in an industrial building or industrial subdivision project. Applications shall be made in a manner prescribed by regulations of the Authority.

(2) The Authority shall hold such hearings and examinations as to each application as shall be necessary to determine whether the public purposes of this Act will be accomplished by granting financial assistance to such applicants.

Section 10. When it has been determined by the Authority that the establishment of a particular industrial building project has accom-

plished or will accomplish the public purposes of this Act, the Authority may contract to loan such local development agency an amount not in excess of thirty percent of the cost or estimated cost of such industrial building project, as established or to be established. However, no industrial building project loan shall be made by the Authority to a local development agency until such agency has furnished proof of its inability to obtain from banks, insurance companies and other private lending agencies funds at the going cost of such money in amounts sufficient to enable the agency to finance the project without the assistance of the Authority.

Section 11. Before granting loans on industrial building projects not yet established the Authority shall first determine (a) that the local development agency holds funds in an amount equal to, or property of a value equal to, not less than twenty percent of the estimated cost of establishing the industrial building project, which funds or property are available for and shall be applied to the establishment of such project, and (b) that the local development agency has obtained from other independent and responsible sources, such as banks and insurance companies or otherwise, a firm commitment for all other funds, over and above the loan of the Authority and such funds or property as the local development agency may hold, necessary for payment of all the estimated cost of establishing the industrial building project, and (c) that the sum of all these funds, together with the machinery and equipment to be provided by the responsible tenant or responsible buyer is adequate to insure completion and operation of the plant or facility.

Section 12. Before granting loans on industrial building projects already established, the Authority shall determine (a) that the local development agency has expended funds in an amount equal to, or has applied property of a value equal to, not less than twenty percent of the cost of establishing the industrial building project, and (b) that the local development agency obtained from other independent and responsible sources such as banks and insurance companies or otherwise, other funds necessary for payment of all the cost of establishing the industrial building project, and (c) that the local development agency participation and these funds, together with the machine and equipment provided by the responsible tenant or responsible buyer, has been adequate to insure completion and operation of the plant or facility. The proceeds of any loan made by the Authority to the local development agency pursuant to this Section shall be used only for the establishment of additional industrial building projects in furtherance of the public purposes of this Act. Loans by the Authority under this Section shall not exceed the total investment of the local development agency.

Section 13. When it has been determined by the Authority that the establishment of a particular industrial subdivision project of such

local development agency will accomplish the public purposes of this Act, the Authority may contract to loan such local development agency an amount not in excess of fifty percent of the cost or the estimated cost of such industrial subdivision project to be established.

Section 14. Before granting loans on industrial subdivision projects not yet established the Authority shall first determine (a) that the local development agency holds funds or property or has obtained from other independent and responsible sources, such as banks and insurance companies and otherwise, a firm commitment for funds whose combination is equal to not less than fifty percent of the estimated cost of establishing the industrial subdivision project, and (b) that the sum of these funds and the loan made by the Authority is adequate to acquire clear title to the land to be used for the industrial subdivision project and to pay the costs incurred to provide it with such utilities, access roads and other facilities as to make it attractive as a site for one or more manufacturing enterprises.

Section 15. Every loan of the Authority shall be for such period of time and shall bear interest at such rate as shall be determined by the Authority and shall be secured by bond of the local development agency and by mortgage on the industrial building or industrial subdivision project for which said loan was made.

Section 16. When any Federal agency participates in the financing of an industrial building project by loan, grant or otherwise of Federal funds, the Authority may adjust the required ratios of financial participation by the local development agency, the source of independent funds, and the Authority in such manner as to insure the maximum benefit available to the local development agency, the Authority, or both, by the participation of the Federal agency. No such adjustment of such ratios shall cause the Authority to grant a loan to the local development agency in excess of thirty percent of the cost or estimated cost of the industrial building project.

Section 17. (1) There shall be a special revolving trust and agency fund in the Treasury of the Commonwealth to be known as the Industrial Development Finance Fund to which shall be accredited all funds appropriated by the General Assembly to the Authority and all funds obtained from other sources, and all other deposits and repayments, both principal and interest, involved in administration of this Act.

(2) All loans to local development agencies and all costs of administration of this Act shall be paid out of this Fund. Payments shall be made in the same manner as other state expenditures, except that they shall be subject to the approval of the Department of Finance only as to availability of funds.

(3) At any time that the Authority determines that monies in the fund are in excess of the amount needed by the Authority to carry out

the purposes of this Act, the Authority shall take such action as shall be required to release such excess from the fund and transfer the same to the appropriate fund of the State Treasury.

Section 18. No member of the Authority or officer or employee thereof shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the Authority for any matter, cause or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such Authority. If any contract or agreement shall be made in violation of the provisions of this Section the same shall be null and void and no action shall be maintained thereon against such Authority.

Section 19. (1) The Authority may negotiate with other agencies of the state government to obtain the use of monies which such agencies are authorized to invest in government obligations. Funds so negotiated shall be transferred on an inter-account basis to the Industrial Development Fund and shall be deemed to be investments in obligations of the Authority and not of local development agencies. The Authority may also negotiate with the State Property and Buildings Commission for the issuance and sale of revenue or other authorized bonds in accordance with the methods prescribed in KRS 56.520 for the purposes of this Act.

Nothing in this Act shall be construed to give the Authority power to pledge the credit or taxing power of the Commonwealth or any of its political subdivisions, nor shall any of the Authority's obligations be deemed to be obligations of the Commonwealth or any of its political subdivisions.

HB 298: AN ACT relating to zoning and planning in cities of the third to sixth classes and in counties containing such cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Any city of the third, fourth, fifth or sixth class and the county in which such city is located are hereby authorized and empowered to enter into an agreement to regulate the physical development, including planning and zoning, of the incorporated and unincorporated areas under their respective jurisdictions. Such agreement shall be in writing and submitted to the legislative body of such city and the fiscal court of such county, for approval or disapproval. If approved, the provisions of this Act and said agreement shall become effective upon the adoption thereof by a mutual ordinance and order passed by such legislative body and by such fiscal court, respectively, setting forth therein said written agreement and authorizing the execution and delivery of same. Thereupon said agreement shall be recorded in the office of the clerk of the county court of such county, and the city clerk or other appropriate official of such city.

(2) In the event that more than one city in such county desires to avail itself of the benefits of this Act, such additional city or cities are hereby authorized and empowered to enter into an agreement or agreements as set out in subsection (1) with such county, with the territorial jurisdiction of the joint city-county planning commissions terminating at a line or lines equidistant from the respective corporate limits of the participating cities or in the event that such division is not practical at a line mutually agreed upon by the city-county commissions involved. If agreement cannot be reached by commissions involved, then it shall be the duty of the fiscal court to determine such a line.

Section 2. Such city or cities and such county are hereby authorized and empowered to make, adopt, adjust, amend, extend, and add to, by appropriate ordinances and orders, joint and comprehensive city and county planning and zoning plans including rules and regulations for the enforcement thereof; and may jointly create:

(1) A joint city and county planning commission or commissions, hereinafter called "commission", with the powers, duties and functions hereinafter set forth; and

(2) A joint city and county board or boards of zoning adjustment and appeals, hereinafter called "board", with the powers, duties and functions hereinafter set forth.

Section 3. (1) It shall be the function and duty of each commission to prepare and approve a comprehensive plan for the physical development of the city and the area of the county encompassed by the territorial jurisdiction of each commission, and to submit and recommend same to the fiscal court and to the legislative body of the city for adoption or rejection. The legislative body or the fiscal court may adopt that portion of the comprehensive plan or parts thereof that pertain to its area of jurisdiction separate from the action of the other body.

(2) Said comprehensive plan shall show and include:

(a) A master plan, as defined and provided for in KRS 100.046 through 100.051;

(b) A zoning plan and regulations and restrictions relating thereto, as defined and provided for in KRS 100.066 through 100.073; and

(c) Subdivision control regulations and restrictions relating thereto, as defined and provided for in KRS 100.087 through 100.092, but not in conflict with KRS 100.720.

(3) In the preparation of the comprehensive plan, and at all times thereafter, it shall be the duty of the commission to consult and advise with public officials and agencies, including the city and county board of health or its successor or successors, public utility companies, civic, educational, agricultural, professional and other organizations, and with citizens, regarding the preparation, protection

and carrying out of the plan. The commission, its members, officers, and employes, in the performance of their duties and functions, may enter upon any land and make examinations and surveys that do not occasion damage or injury to private property. In general, the commission shall have such powers as may be necessary to enable it to fulfill its duties and functions, to promote city and county planning, and to carry out the purposes of this Act.

(4) The commission may, from time to time, recommend to the appropriate public officials programs for the acquisition of land and the construction of public structures and improvements, and for the financing thereof.

(5) The commission shall have power to promote public interest in and an understanding of the comprehensive plan, and part and parts thereof, and to that end may publish and distribute copies thereof, or of any report relating thereto, and may employ such other means of publicity and education as it may determine.

Section 4. The commission shall be composed of four ex officio members, who shall be the mayor, a member of the legislative body of the city selected by the legislative body, the county judge, or a member of the fiscal court, and the road engineer of such county, or another member of the fiscal court, and four citizens, two to be appointed by the mayor and two to be appointed by the county judge. The two members appointed by the mayor shall be residents within the corporate limits of such city. The two members appointed by the county judge shall be residents of that portion of the county lying outside the corporate boundaries of such city, but inside the area comprising the territorial jurisdiction of the commission. The term of each ex officio member shall correspond to his respective official tenure. The terms of the appointed members shall be four years, and until their successors take office, except that the original terms shall be one and four years, respectively, for the two members appointed by the mayor and two and three years, respectively, for the two members appointed by the county judge. The mayor or the county judge shall appoint successors of appointed members within thirty days after the expiration of their terms, or after a vacancy otherwise occurs. The members of the commission shall, before entering upon their duties as such, qualify by taking the necessary oath of office before the county judge of such county. An appointed member may be removed by the appointing official, for inefficiency, neglect of duty, malfeasance, or improper conduct. The appointing official shall file with the commission a written statement setting forth the reasons for such removal.

Section 5. The commission shall elect, from among appointed members, a chairman and vice-chairman. In the absence of the chairman, the vice-chairman shall act and have all of the powers and duties of the chairman. The terms of the chairman and vice-chairman shall

each be for one year. The commission shall hold at least one regular meeting in each calendar quarter. It shall adopt bylaws for the transaction of business and keep minutes and records of all of its proceedings, showing its resolutions, transactions, findings and determinations, and the vote of each member on each question, or, if absent, or failing to vote, indicating such fact, all of which shall be immediately filed in the office of the commission and shall be public records. Both the ex officio members and the appointed members, except the chairman, shall be entitled to vote on any subject or matter before the commission, and a quorum of the commission for the transaction of any business shall constitute five members, including the chairman or acting chairman. However, approval of any ordinance, regulation or order shall be made only by majority vote of the entire commission. In case of a tie vote or a deadlock, the chairman shall have the power to vote and shall cast his vote and break such tie vote or deadlock. Amendments to the comprehensive plan shall be submitted by the commission to the fiscal court and to the city legislative body, and shall become effective in the same manner as provided for the adoption of the comprehensive plan or portions thereof in Section 3 of this Act.

Section 6. The commission shall designate and appoint an enforcement officer who may be a member of the commission, who shall be charged with and provided with the authority to enforce the ordinances, regulations, and orders of the commission and to issue zoning permits and certificates of occupancy. The commission may fix a reasonable schedule of fees for the issuance of such permits and certificates.

Section 7. (1) The board of zoning adjustment and appeals shall be composed of six members, none of whom shall hold any other city or county office, except that one may be a member of the commission. Three of the members shall be appointed by the city legislative body and the other three by the fiscal court. Terms of office shall be three years, except that of the original appointments by the city legislative body one shall be for one year, one for two years, and one for three years, and that of the original appointments by the fiscal court one shall be for one year, one for two years and one for three years. The city legislative body or the fiscal court shall appoint successors of appointed members within thirty days after the expiration of their terms, or after a vacancy otherwise occurs. The members of the board shall, before entering upon their duties as such, qualify by taking the necessary oath of office before the county judge of such county. A member may be removed for cause by the appointing authority upon written charges and after public hearing.

(2) The board shall elect a chairman and a vice-chairman. In the absence of the chairman, the vice-chairman shall act and have all of the powers and duties of the chairman. The terms of the chairman and vice-chairman shall each be for one year. The chairman shall have

the right to vote on any subject or matter before the board only in case of a tie vote or a deadlock in order to break such tie vote or deadlock. Meetings of the board shall be held at the call of the chairman and at such other times as the board determines.

Section 8. (1) The board of zoning adjustment and appeals may:

(a) Adopt bylaws for its own government, not inconsistent with any law, city ordinance, or order or resolution of the fiscal court, with reference to the plans under consideration by the board;

(b) Hear and decide appeals and applications for special exceptions;

(c) Authorize, upon application or appeal, such variances from the terms of the ordinance or order, or of any plans, rules or regulations made thereunder, as will not be contrary to the public interest, where a literal enforcement of the provisions of the ordinance, order, plans, rules or regulations would result in unnecessary hardship, and so that the spirit of the ordinance or order shall be observed and substantial justice be done.

(2) In exercising its powers, the board may reverse, affirm or modify an order or decision of an administrative official.

(3) The concurring vote of a majority of the entire membership of the board shall be necessary in making any decision.

Section 9. (1) In the event that no city in such county desires to avail itself of the benefits of this Act the fiscal court of such county is hereby authorized and empowered to regulate the physical development, including planning and zoning, of the unincorporated areas of such county. The intention to so regulate by such county shall be indicated by an order passed by such fiscal court which shall: create a county planning commission and a county board of zoning adjustment and appeals, the functions, powers and duties of which shall be as nearly as possible comparable to and with the functions, powers and duties hereinbefore provided for joint city-county commissions and boards and provide for the personnel and staff of such county commission and board including an enforcement officer, and the appointment, organization and financing thereof, and for appropriate rules, regulations and procedure.

(2) The fiscal court, in order to determine that no city in such county desires to participate in a joint city-county planning and zoning commission shall submit a petition of inquiry to the legislative body of the third to sixth class city or cities, which must be answered in writing by the city legislative body within sixty days. If no answer to the petition is forthcoming from the city within sixty days the fiscal court shall interpret this as a negative reply.

(3) A county planning commission shall be composed of two ex officio members, who shall be the county judge, and either a second member of the fiscal court appointed by the fiscal court or the county

road engineer, and six citizens appointed by the county judge, who shall be residents of the unincorporated areas of the county. The term of each ex officio member shall correspond to his respective official tenure. The terms of the appointed members shall be four years, and until their successors take office except that the original terms shall be for one year for one member, two years for two members, three years for one member and four years for two members. The county judge shall appoint successors of appointed members within thirty days after the expiration of their terms, or after a vacancy otherwise occurs. The members of the commission shall, before entering upon their duties as such, qualify by taking the necessary oath of office before the county judge of such county. An appointed member may be removed by the appointing official, for inefficiency, neglect of duty, malfeasance, or improper conduct. The appointing official shall file with the commission a written statement setting forth the reasons for such removal. The bylaws and powers pertaining to the offices of the county commission, meetings, records, rates, quorum and enforcement shall be the same as those permitted when a city of the third to sixth class joins with its county or part thereof to form a joint commission.

(4) When a county planning commission exists and a zoning ordinance has been adopted a county board of zoning adjustment and appeals shall be appointed. The board shall be composed of six members, who shall be residents of the unincorporated areas of the county, none of whom shall hold any other county office except that one may be a member of the planning commission. All six members shall be appointed by the fiscal court. Terms of office shall be three years, except those of the original appointments, of which two shall be for one year, two for two years and two for three years. The fiscal court shall appoint successors of members within thirty days after the expiration of their terms, or after a vacancy otherwise occurs. The members of the board shall, before entering upon their duties as such, qualify by taking the necessary oath of office before the county judge of such county. A member may be removed for cause by the appointing authority upon written charges and after public hearing. The board shall have the same powers and duties as set forth for joint city-county boards of zoning adjustment and appeals.

Section 10. In instances where there is no incorporated city in a county the fiscal court may appoint a county planning commission and a board of zoning adjustment and appeals in order to avail the county of the benefits of this statute. The organization, functions, powers and duties of such commission and board will be the same as those provided for in Section 9 of this Act.

HR 41: A JOINT RESOLUTION authorizing and directing the Departments of Conservation, Public Relations, and Agriculture, Labor and Statistics to formulate, inaugurate and effectuate a Lin-

coln Memorial Sesquicentennial, and making an appropriation therefor.

WHEREAS, the year one thousand nine hundred and fifty nine, anni domino, marks the one hundred and fiftieth birthday of Abraham Lincoln, native Kentuckian, sixteenth president of the United States of America and one of the world's great humanitarians;

WHEREAS, the accomplishments of this great American attained through honesty, integrity, moral courage, perseverance and personal sacrifice have reflected universal undying credit and glory upon our beloved Commonwealth of Kentucky;

WHEREAS, it is deemed fitting and proper that the Commonwealth honor the said Abraham Lincoln on the advent of the sesquicentennial year of his birth in a manner in some measure commensurate with the honor which his deeds have brought;

WHEREAS, such an undertaking will require the concerted efforts of a great many citizens throughout the Commonwealth necessitating the designation of some organization or organizations to coordinate, direct and actively participate in such efforts;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Department of Conservation be and is hereby authorized and directed to promote the issuance of a Lincoln Memorial Stamp and for the establishment of a temporary branch post office at Lincoln Memorial Park, to remain open from January 1, 1959 through September 30, 1959, through which such stamps would be sold.

Section 2. That the above named department exert every effort to procure the services of a suitable playwright to write and direct an appropriate play or pageant, utilizing the services of students of schools in central Kentucky, and cause such play or pageant to be presented in a different city or community of the Commonwealth each weekend from the first of February 1959 through June 15, 1959; in the various state parks each weekend from June 16, 1959 through July 13, 1959; nightly in front of the Lincoln Memorial in Hodgenville from July 15, 1959 through August 31, 1959 and nightly at the 1959 Kentucky State Fair and Exposition.

Section 3. That the Department of Public Relations display prominently in all promotional brochures, pamphlets and advertisements, designed to attract tourists, the Lincoln Sesquicentennial theme.

Section 4. That the Department of Public Relations cause to be prepared appropriate literature and other material for distribution to state and national parks, service stations, automobile clubs and other civic organizations; and that the Department of Public Relations prepare or have prepared Lincoln publication formats and present them

to all publishers of printed matter in the state urging the dissemination of the material therein.

Section 5. That the Department of Agriculture, Labor and Statistics make provision for the Kentucky State Fair and Exposition to accord the Lincoln Sesquicentennial celebration a place of prominence in its plans for the 1959 State Fair and Exposition designating opening day as "Lincoln Memorial Day" and attempt to induce all major companies in the United States including "Lincoln" in their corporate names to sponsor a suitable display in the commerce and industry section.

Section 6. That the sum of \$35,000 is appropriated to the Department of Public Relations out of the General Fund for the purposes of this Resolution.

SB 318: AN ACT relating to running races.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 230.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) An association formed for the purpose of racing and breeding or improving the breed of horses and conducting contests of speed may hold one or more running race meetings between April 1 and December 1 of each year.

(2) At such meetings the association or the owners of the horses engaged in the races, or others that are not participants in the racing, may contribute prizes or stakes to be contested for, but no person other than the owner of a horse contesting in a race shall have any pecuniary interest in a prize or stake contested for in that race, or be entitled to, or receive any portion of the prize or stake after the race has been finished. The whole of the prize or stake shall be allotted in accordance with the terms of the race.

(3) Running races may be held only between sunrise and midnight.

Calendar

SR 51, SR 52, SR 61, HB 147, SB 308, SR 34, SB 102, SB 33, SB 188, SB 194, HB 10, HB 23, SB 301, SB 131, SR 45, SB 268, SB 306, SB 309, SB 298, SB 302, SB 98, SB 142, SB 197, SB 183, SB 231, SB 110, SB 312, SB 304, SB 297, SB 264, SB 293, SB 269 were taken from the Calendar and ordered read at length for the second time. Senator Bassett moved that they be read by title only. Agreed by a majority of the members elected. Ordered placed in the Orders of the Day.

Introductions

Senator Kelly moved to suspend the Rules for the purpose of introducing a resolution. Agreed.

SR 77, by Senators Kelly, Bassett, Kidwell: A RESOLUTION extending to the Honorable Addison L. Everett the condolences of the Senate of the General Assembly upon the passing of his wife, Madge.

WHEREAS, God in his infinite wisdom has seen fit to terminate the earthly sojourn of Mrs. Madge Everett, wife of Addison L. Everett, a member of this body;

WHEREAS, affairs of state have made it necessary that the said Addison L. Everett perform his duties as a representative of the people of this great Commonwealth during the long period of his wife's last illness;

WHEREAS, despite the burden which he has borne, the said Addison L. Everett has performed his duty to the people in an efficient and statesmanlike manner; and

WHEREAS, the members of the Senate have noted with deep regret her passing and wish to be recorded as expressing to the said Addison L. Everett their sincere and abiding sympathy;

NOW, THEREFORE,

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Senate of the Commonwealth of Kentucky does hereby express to the honorable Addison L. Everett its deepest sympathy upon the death of his wife, Madge Everett.

Section 2. That the Senate when it does adjourn on Monday, March 10, 1958, do so in memory of the late Madge Everett and as an expression of the respect and esteem in which it holds the said Addison L. Everett, Majority Floor Leader of the House of Representatives.

Senator Kelly moved the adoption of said resolution. Adopted by voice vote.

Orders of the Day

SR 56 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Committee Amendment to **SR 56** be adopted.

Amend printed copy of **SR 56** on page 3, section 6, line 3 by changing the figure of "\$10,000" to "\$5,000".

Adopted by voice vote.

Senator Bassett moved the Previous Question on **SR 56** as amended. Agreed by voice vote.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hickerson, Howard, Howell, Jackson, Kidwell, Lucas, McCann, Melton, Miller, Overbey Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

SR 56 was passed and the title agreed to.

Senator Bassett moved that the vote by which said resolution was passed be reconsidered and said motion be laid on the table. Agreed by voice vote.

Introductions

Senator Angelis moved to suspend the Rules for the purpose of introducing bills. Agreed.

SB 326, by Senator Angelis: AN ACT relating to rights of newsmen.

SB 327, by Senator Blake: AN ACT relating to speed limit of motor vehicles.

SB 328, by Senator Jackson: AN ACT relating to the compensation of sheriffs.

Orders of the Day

SB 273 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Richmond moved the Previous Question on **SB 273**. Agreed by voice vote.

On roll call, the vote was: Yeas, 33—Angelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kidwell, Lucas, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 2—McCann, Young.

SB 273 was passed and the title agreed to.

Senator Richmond moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed by voice vote.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 140**, **HB 270**, **HB 72** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Introductions

Senator Willis moved to suspend the Rules for the purpose of introducing a resolution. Agreed by voice vote.

SR 78, by Senator Willis: A RESOLUTION relating to donations by Senator.

WHEREAS, it is customary for the members of the Senate of Kentucky to give certain donations as tokens of appreciation to certain persons who have given services to the Senate and members thereof;

WHEREAS, there is a need for clarification concerning the amount, manner, method and time of giving or awarding donations;

WHEREAS, in order to make more equal and to establish a uniform system of gifts and donations, a standard of amounts should be established;

WHEREAS, the Senate has established by general law such a standard, by numbering each Senatorial district for legislative purposes; and

WHEREAS, all donations should be given in accordance with the standards and numbers set by statute, and all amounts governed by such numbers.

NOW, THEREFORE,

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

That all donations given by members of the Senate be given in accordance with, and in numerical ratio to the statutory number of the district, using the first district as unit one, thereafter multiplying the unit base by the number of the district, e.g. district one, using the unit base, one dollar; district ten, ten dollars; district thirty-seven, thirty-seven dollars, and so on, according to this schedule.

Senator Willis moved the Previous Question on **SR 78**. Agreed.

Senators Willis and Young demanded a roll call, and the vote on **SR 78** was: Yeas, 17—Anggelis, Bassett, Blue, Duncan, Freeman, Greene, Hamilton, Howard, Lucas, Melton, Miller, Overbey, Richmond, Robinson, Warinner, Willis, Young; Nays, 7—Clay, Duffy, Hickerson, Howell, Jackson, Kelly, Ware.

The Chair ruled that **SR 78** did not pass for lack of constitutional majority.

Orders of the Day

SB 290 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 290**. Agreed by voice vote.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 2—Clay, McCann.

SB 290 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

House Message

Announcing passage of **HB 276**, **HB 313**, **HB 470**, **SB 133**, **HB 307**. Ordered that said bills be referred.

Orders of the Day

SB 281 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Greene moved the Previous Question on **SB 281**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 1—McCann.

SB 281 was passed and the title agreed to.

Senator Greene moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 235 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 235**. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blake, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 235 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 212 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 212**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Kelly, Kidwell, Lucas, McCann, Melton, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

SB 212 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 213 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time.

Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 213**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Reuscher, Richmond, Robinson, Van Hoose, Warinner, Willis, Young; Nays, 1—Ware.

SB 213 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 258 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Kelly moved the Previous Question on **SB 258**. Agreed.

On roll call, the vote was: Yeas, 36—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 258 was passed and the title agreed to.

Senator Kelly moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Introductions

Senator Bassett moved to suspend the Rules for the purpose of introducing bills and resolutions. Agreed by voice vote.

SB 329, by Senator Bassett: AN ACT proposing an Interstate Compact on Juveniles.

SR 79, by Senator Overbey: A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the obligations of airlines to the Commonwealth of Kentucky.

Senator Bassett moved adjournment until 1:00 p.m., Tuesday, March 11, 1958. Agreed.

TUESDAY, MARCH 11, 1958

FIFTY-FIRST LEGISLATIVE DAY

The Senate was called to order by the President, Lieutenant Governor Harry Lee Waterfield.

Prayer by the Reverend Samuel Blackard of the Episcopal Church of Frankfort.

The roll was called. All members present.

The reading of the Journal for Monday, March 10, 1958, dispensed with and the same approved on motion of Senator McCann.

Motions

Senator Freeman moved that **SB 226** be taken from the Rules Committee and given a first reading. Senators Freeman and Blue requesting a roll call, it was so ordered.

On roll call, the vote was: Yeas, 14—Blue, Bonn, Clay, Duffy, Francis, Freeman, Hickerson, Kidwell, McCann, Melton, Reuscher, Ware, Willis, Young; Nays, 13—Bassett, Cornett, C. H. Davis, Fields, Greene, Hamilton, Howell, Jackson, Johnson, Kelly, Overbey, Robinson, Warinner.

The motion was lost.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 133** had been examined and found correctly enrolled. Said bill read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copy be delivered to the House.

SB 133 delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

Motions

Senator Bonn moved that he be allowed to resign from the Rules Committee. The Chair announced that without objection, such resignation was accepted.

Introductions

SR 80, by Senator Lucas: A RESOLUTION requesting that swimming pool at Levi Jackson State Park be named after Russell Dyche.

WHEREAS, Russell Dyche was formerly director of the Division of Parks in the Department of Conservation;

WHEREAS, the said Russell Dyche has been instrumental in the development of the said Levi Jackson State Park, having devoted a great amount of time, energy and contributed generously of his finances to the project; and

WHEREAS, it seems altogether fitting and proper that some measure of recognition be accorded to the said Russell Dyche for his services to the citizens of the area adjacent to the park;

NOW, THEREFORE,

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Commissioner of Conservation be and is hereby urged to take such steps as are necessary to have the swimming pool just completed at Levi Jackson State Park named after Russell Dyche.

Section 2. That the Clerk of the Senate cause a copy of this Resolution to be sent to Russell Dyche, the Commissioner of Conservation and the Director of Parks of the Department of Conservation.

Senator Lucas moved the adoption of **SR 80**. Adopted by voice vote.

SR 81, by Senators Freeman, Melton, Kidwell: A RESOLUTION urging the Department of Conservation to continue to permit the use of parking, beach and swimming areas of the state parks without a charge therefor and to remove turnstiles, gates and fences that have been placed on beaches in state parks.

WHEREAS, it has been the fundamental policy of the Commonwealth of Kentucky in the establishment of a state park system to provide areas of scenic beauty, and recreational utility for the general public and all of the people of Kentucky wherever practicable without charges; and

WHEREAS, it is the fundamental policy of the Commonwealth of Kentucky that the scenic beauties and recreational facilities of state parks should be available to all citizens of the state, regardless of their financial means; and

WHEREAS, it has been for some period of time the policy of the Department of Conservation to permit the public to use the parking, beach and swimming areas of the state parks without making a charge therefor; and

WHEREAS, it would appear that the policy in this regard is to be changed and a charge made for the use of parking, beach and swimming areas; and

WHEREAS, the imposition of a charge for the use of the parking, beach and swimming areas of the state parks may cause children to use unprotected swimming areas with an increased danger of possible loss of life; and

WHEREAS, it would appear that guests of state operated hotels, motels and cottages will be permitted to use the parking, beach and swimming areas of the state parks without any additional charge therefor; the result being to give state-owned hotels, motels and cottages a further competitive advantage over their privately owned counterparts.

NOW, THEREFORE,

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

That the Department of Conservation is urged to continue its policy of permitting the public to use the parking, beach and swimming areas of the state parks without making a charge therefor and to remove turnstiles, gates and fences that have been placed on beaches in state parks.

Senator Freeman moved the adoption of said resolution. Senators Bassett and Blue demanding a roll call on **SR 81**, the vote was: Yeas, 16—Blue, Bonn, Duffy, Duncan, Francis, Freeman, Hickerson, Kelly, Kidwell, McCann, Melton, Miller, Reuscher, Ware, Willis, Young; Nays, 7—Anggelis, Bassett, Fields, Howell, Lucas, Overbey, Robinson.

SR 81 was adopted.

Senator Freeman moved that the vote by which said resolution was passed be reconsidered and said motion be laid on the table. Agreed.

SB 330, by Senator Overbey: AN ACT imposing liability for injuries caused due to the sale of alcoholic beverages.

SB 331, by Senator Cornett: AN ACT relating to the bee industry in Kentucky.

SB 332, by Senator Johnson: AN ACT relating to waterworks systems in water districts and in cities of the second to sixth classes.

SB 333, by Senators Johnson and Warinner: AN ACT relating to hospital service plans.

SB 334, by Senator Johnson: AN ACT relating to chiropractic.

Report of Committees

The Rules Committee reported **SB 319**, **SB 320**, **SB 321**, **SB 322**, **SB 323**, **SB 329**, **SB 326**, **SB 314**, **HB 306**, **HB 311**, **HB 109**, **HB 32**, **SB 296**, **SR 75**, **SB 260**, **SB 317**, **HB 153**, **SB 196**, **SB 230**, **SR 79**, **SB 316**, **SB 2**, **HB 470**, **SB 325**, **HB 79** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 319: AN ACT relating to investment of funds by the board of trustees of state employes and county retirement systems.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.650 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. The board shall be the trustee of the several funds created by KRS 61.510 to 61.700. It shall have power to invest up to seventy-five percent in:

(a) United States Government bonds for which the faith of the

United States of America is pledged for the payment of the interest and principal;

(b) Obligations of the Commonwealth of Kentucky and obligations of its departments and agencies, including revenue bonds when the full faith of the Commonwealth is pledged for the payment of interest and principal.

Section 2. The board may invest up to twenty-five percent of the assets of the retirement system's funds available for investment purposes in building revenue bonds legally issued by school districts for which payments of interest and principal are properly pledged.

Section 3. The board may invest in bonds issued by corporations organized under the laws of the United States or of any state in the United States, or of the District of Columbia, when such bonds have a rating of the highest or next highest classification made by a nationally recognized major rating service, but no more than twenty-five percent of the assets of the retirement system available for investment purposes shall be so invested.

Section 4. The board shall have full power to hold, purchase, sell, assign, transfer or dispose of, any of the securities or investments in which any of the funds created herein have been invested, as well as of the proceeds of such investments and any monies belonging to such funds. At the maturity date of any securities or investments now held, the proceeds shall be invested according to the provisions of this Act. No investment of retirement system funds shall be made unless authorized by resolution adopted by the board.

Section 5. There is hereby created a new section of the Kentucky Revised Statutes which shall read as follows:

The board of trustees of any county retirement system may invest any funds available for investment purposes in the same manner as provided for in investment of such funds by the Kentucky Employees Retirement System.

SB 320: AN ACT relating to highway safety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall install or maintain a red, yellow or similarly colored flashing light within one hundred feet of the right-of-way of a state highway for any purpose other than safety, highway construction, or emergency purposes.

Section 2. Any person who violates this Act shall be fined not less than one hundred dollars nor more than one thousand dollars.

SB 321: AN ACT relating to insurance and providing that state agencies may purchase motor vehicle and aircraft insurance to cover state employees in the discharge of official duty.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any state agency, as defined in Chapter 12 of the KRS, may in its discretion, for the protection of the public and its employees, expend state funds to purchase policies of insurance of all kinds deemed advisable covering vehicles and aircraft owned by the state and operated by state employees when in the conduct of official business. The Commissioner of Insurance, upon recommendation of the Commissioner of Finance, shall initiate and be responsible for the purchase of a blanket liability insurance policy to cover the officers and employees of the several state agencies and shall determine, by regulation, the policy limits that shall be applicable to the persons covered in each such affected agency not to exceed the limit prescribed in KRS 44.070.

Section 2. Nothing contained herein shall be construed to be a waiver of sovereign immunity and claims against the Commonwealth, its agencies, officers, employees, or insurers may be asserted only in the manner set forth in KRS 44.070 to 44.160.

Section 3. Policies authorized by this Act shall be purchased only from insurers authorized to do business in this state and shall be countersigned by a licensed resident agent.

Section 4. Whereas, the many state officers and employees without liability insurance who are operating state vehicles are wholly without liability protection, an immediate need for authorization to be made available for the purchase of such insurance, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

SB 322: AN ACT relating to the Board of Claims.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 44.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) A Board of Claims is created and vested with full power and authority to investigate, hear proof, and to compensate persons for damages sustained to either person or property as a proximate result of negligence on the part of the Commonwealth, any of its departments or agencies, or any of its officers, agents or employees while acting within the scope of their employment by the Commonwealth or any of its departments or agencies; provided, however, regardless of any provision of law to the contrary, the Commonwealth, its departments and agencies, and its officers, agents and employees, while acting within the scope of their employment by the Commonwealth or any of its departments or agencies, shall not be liable for pain or suffering, and compensation shall not be allowed, awarded or paid for pain or

suffering. The board shall be independent of all agencies and departments of the Commonwealth.

(2) The board shall consist of three members appointed by the Governor, and not more than two shall be members of the same political party. Each member shall have the professional qualifications prescribed for Judges of the Court of Appeals by Section 114 of the Constitution, shall hold office for a term of four years and until his successor is appointed and qualified and may be removed only in the manner prescribed for removal of Judge of the Court of Appeals by Section 112 of the Constitution. Upon the expiration of the term of any member, his successor shall be appointed for a full term of four years. Vacancies shall be filled by appointment for the unexpired term. The compensation of each member shall be the same as is provided for commissioners of the Court of Appeals by KRS 64.496, and each member shall take the oath prescribed by Section 228 of the Constitution.

(3) The board shall annually elect one of its members to serve as its chairman for a term of one year and until his successor is elected and qualified.

(4) Regardless of any provision of law to the contrary, the jurisdiction of the board is exclusive, and a single claim for the recovery of money or a single award of money shall not exceed \$10,000, exclusive of interest and costs.

(5) Each hearing shall be conducted by one or more members of the board at such place, within the appellate court district wherein the claimant resides, as the board directs; provided, however, the parties may, with the approval of the board, agree upon a place or places not within the district for the conduct of hearings.

(6) As early as practicable following submission of a claim, the board shall consider the entire record and dispose of the claim, and no award may be made unless two or more members concur therein.

Section 2. Section 44.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) Pursuant to the provisions of KRS Chapter 18, necessary secretarial help shall be provided for members of the board in counties wherein the members respectively reside. The Assistant-Attorneys General assigned to defend claims filed with the board shall receive no additional compensation for the performance of their duties on or before the board; provided, however, members of the board, Assistant Attorneys-General, and all employees of the board shall be recompensed for all necessary and actual expenses they may incur incident to their duties for or before the board. All awards or judgments made by the board against the Department of Highways shall be paid out of the State Road Fund, upon warrants drawn by the Commissioner of Finance upon the State Treasurer. All awards or judgments made by

the board against other departments or agencies of the state, which are not maintained by appropriations out of the General Fund, shall be paid out of funds created or collected for the maintenance and operation of such departments or agencies respectively, upon warrants drawn by the Commissioner of Finance upon the State Treasurer. All amounts necessary to pay awards or judgments made by the board against all other departments or agencies of the Commonwealth shall be paid out of the General Fund of the Commonwealth, upon warrants drawn by the Commissioner of Finance upon the State Treasurer. All costs incident to the operation of said board shall be paid out of the State Road Fund, upon warrants drawn by the Commissioner of Finance upon the State Treasurer; provided, however, in all cases wherein claims are filed against the Commonwealth or any of its departments or agencies other than the Department of Highways, the clerk of the board shall tax as costs of the action the same fees allowed for corresponding services in actions instituted in the circuit court, and such costs, when collected, shall be covered into the State Treasury to the credit of the State Road Fund. The board of claims shall have the power and authority to determine the right of any party to an action before it to recover of the opposing party the costs incurred by him or it in such action; and such decision shall not be subject to appeal.

(2) Should the business of the board require additional clerical or other help, such help shall be employed by the board subject to the provisions of KRS Chapter 12 and 18.

Section 3. Section 44.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) Appeals may be taken to the Franklin Circuit Court from all awards of the board where the amount in controversy, exclusive of interest and costs, is over \$100.00. Appeals shall be taken within thirty days from the rendition of the award, and the method of appeal shall follow as nearly as may be the Civil Rules, except the state shall not be required to execute bond.

(2) On appeal no new evidence may be introduced, except as to fraud or misconduct of some person engaged in the hearing before the board. The court sitting without a jury shall hear the cause upon the record before it, and dispose of the appeal in a summary manner, being limited to determining: Whether or not the board acted without or in excess of its powers; the award was procured by fraud; the award is not in conformity to the provisions of KRS 44.070 to 44.160; and whether the findings of fact support the award. The court shall enter its findings on the order book as a judgment of the court, and such judgment shall have the same effect and be enforceable as any other judgment of the court in civil causes.

Section 4. Section 44.160 of the Kentucky Revised Statutes is amended to read as follows:

Any action prosecuted to award or judgment under the provisions of KRS 44.070 to 44.160 shall preclude the right of a claimant to sue the Commonwealth, its departments or agencies, or its officers, agents or employees in any other forum.

SB 323: AN ACT relating to the sale of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of KRS 190.010 to 190.080 is created to read as follows:

It shall be unlawful for any motor vehicle salesman licensed under this chapter to sell or exchange, or offer or attempt to sell or exchange any motor vehicle except for the licensed motor vehicle dealer by whom he is employed, or to offer, transfer or assign any sale or exchange that he may have negotiated to any other dealer or salesman.

Section 2. A new section of KRS 190.010 to 190.080 is created to read as follows:

It shall be unlawful for any motor vehicle dealer or salesman licensed under the provisions of this chapter, directly or indirectly, to solicit the sale of a motor vehicle through a pecuniarily interested person; or to pay, or cause to be paid, any commission or compensation in any form whatsoever to any person in connection with the sale of a motor vehicle, unless such person is duly licensed as a salesman in the employ of such dealer.

Section 3. A new section of KRS 190.010 to 190.080 is created to read as follows:

It shall be unlawful for any motor vehicle dealer or salesman licensed under the provisions of this chapter to use any false or misleading advertising in connection with his business.

SB 329: AN ACT proposing an Interstate Compact on Juveniles.

WHEREAS, juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others; and

WHEREAS, the cooperation of this state with other states is necessary to provide for the welfare and protection of juveniles and of the people of that state; and

WHEREAS, it should therefore be the policy of this state, in adopting the Interstate Compact on Juveniles, to cooperate fully with other states: (1) in returning juveniles to such other states whenever their return is sought; and (2) in accepting the return of juveniles whenever a juvenile residing in this state is found or apprehended in another state and in taking all measures to initiate proceedings for the return of such juveniles.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The governor is hereby authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

INTERSTATE COMPACT ON JUVENILES

The contracting states solemnly agree:

ARTICLE I—Findings and Purposes

That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the health with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of non-delinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the non-criminal reformative and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

ARTICLE II—Existing Rights and Remedies

That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

ARTICLE III—Definitions

That, for the purpose of this compact, "delinquent juvenile" means any juvenile who has been adjudged delinquent and who, at the time of the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of an agency or institution pursuant to an order of such court; "probation or parole" means any kind of conditional release of juveniles authorized under the laws of the states

party hereto; "court" means any court having jurisdiction over delinquent, neglected or dependent children; "state" means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and "residence" or any variant thereof means a place at which a home or regular place of abode is maintained.

ARTICLE IV—Return of Runaways

(a) That the Parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letter of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purpose of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether, or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present to the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition

shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

(c) That "juvenile" as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

ARTICLE V—Return of Escapees and Absconders

(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subject such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisi-

tion. But in such event he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

ARTICLE VI—Voluntary Return Procedure.

That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV (a) or of Article V (a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge

shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

ARTICLE VII—Cooperative Supervision of Probationers and Parolees

(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state") may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called "receiving state") while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigation as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and is so accepted the sending state may transfer supervision accordingly.

(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving

state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

ARTICLE VIII—Responsibility for Costs

(a) That the provisions of Articles IV (b), V (b) and VII (d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivision, as to the payment of costs, or responsibilities therefor.

(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV (b), V (b) or VII (d) of this compact.

ARTICLE IX—Detention Practices

That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

ARTICLE X—Supplementary Agreements

That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreement shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a

court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provisions for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

ARTICLE XI—Acceptance of Federal and Other Aid

That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

ARTICLE XII—Compact Administrators

That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

ARTICLE XIII—Execution of Compact

That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

ARTICLE XIV—Renunciation

That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six month's renunciation notice of the present Article.

ARTICLE XV—Severability

That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

ADMINISTRATION

Section 1. JUVENILE COMPACT ADMINISTRATOR. Pursuant to said compact, the governor is hereby authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms of the compact. Said compact administrator shall serve subject to the pleasure of the governor. The compact administrator is hereby authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

Section 2. SUPPLEMENTARY AGREEMENTS. The compact administrator is hereby authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to the compact. In the event that such supplementary agreement shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service by this state, said supplementary agreement shall have no force or effect until approved by the head of the department or agency whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

Section 3. FINANCIAL ARRANGEMENTS. The compact administrator, subject to the approval of the Commissioner of Finance, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

Section 4. RESPONSIBILITIES OF STATE DEPARTMENTS, AGENCIES AND OFFICERS. The courts, departments, agencies and officers of this state and its subdivisions shall enforce this Compact and shall do all things appropriate to the effectuation of its purposes and intent which may be within their respective jurisdictions.

Section 5. ADDITIONAL PROCEDURES NOT PRECLUDED. In addition to any procedure provided in Articles IV and VI of the compact for the return of any runaway juvenile, the particular states, the juvenile or his parents, the courts, or other legal custodian involved may agree upon and adopt any other plan or procedure legally authorized under the laws of this state and the other respective party states for the return of any such runaway juvenile.

SB 326: AN ACT relating to rights of newsmen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall threaten, strike, beat, wound or assault a news reporter or news photographer engaged in the pursuit of his occupation in a public place or gathering, or damage the equipment of a news photographer, or in any other way impede the seeking or gathering of news by violence or threatened violence.

Section 2. Any person who violates this Act shall be imprisoned for not less than six months nor more than twelve months, and fined not more than one thousand dollars.

SB 314: AN ACT relating to conditions of employment of firemen in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any fireman who is a member of a fire department in a city of the second class shall be required to be on duty for twenty-four consecutive hours. After having worked such twenty-four consecutive hours, he shall be relieved for a period of forty-eight consecutive hours, except in cases of extraordinary emergency, when so declared by the chief of the fire department. Neither the pay nor the rank of any fireman shall be reduced because of this act.

Section 2. All laws, or portions of laws in conflict herewith, are to the extent of such conflict hereby repealed.

HB 306: AN ACT relating to the Kentucky National Guard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 38.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Kentucky National Guard" includes the Army National Guard and Air National Guard;

(2) "Active Army National Guard and Active Air National Guard" includes those organizations, officers and enlisted personnel, both male and female, of the federally recognized Kentucky National

Guard authorized to receive federal pay, arms and equipment;

(3) "Inactive Army National Guard and Inactive Air National Guard" includes those organizations, officer and enlisted personnel, both male and female, of the Kentucky National Guard not entitled to receive Federal pay, arms and equipment;

(4) "Active state service" is:

(a) The ordering by the Governor of any unit or units of the Kentucky National Guard to enforce the laws of the Commonwealth; resist an actual or threatened invasion or insurrection; quell a riot or other domestic disturbance; or preserve and protect the rights, lives or property of citizens of the Commonwealth;

(b) Officers, warrant officers and enlisted personnel employed under orders of the Governor in making tours of inspection, mustering in or mustering out troops, making surveys of military property, sitting on courts-martial, summary courts, efficiency boards, courts of inquiry or boards of officers or performance of any other duty directed by the Governor or Department General;

(c) The participation of any unit or units of the Kentucky National Guard in gunnery competition or other training or military exercise anywhere within or without the United States.

(4) Words importing the masculine gender only shall extend to and be applied to females as well as males.

HB 311: AN ACT relating to the Kentucky National Guard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Except when in the service of the United States, officers and enlisted men, when employed in active state service, beginning with the day they assemble at their armories or other designated place until the day they return thereto and have been properly relieved, inclusive, fractional parts of a day counting as a full day, shall receive pay at the following daily rates:

HB 109: AN ACT relating to Group Life Insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.866 of the Kentucky Revised Statutes is amended to read as follows:

The lives of a group of individuals may be insured under a policy issued to a credit union organized pursuant to the laws of the State of Kentucky or the Federal Credit Union Act, which shall be deemed the policyholder, to insure eligible members for amounts of insurance, not in excess of the share balance (or \$2000.00, whichever is less) as to each member, based on some plan which will preclude individual selection, for the benefit of the share account of the member, subject to the following requirements:

(1) The members eligible for insurance under the policy shall be all the members of the credit union who meet standard physical requirements conditions of the insurer, or all of any class or classes thereof determined by conditions pertaining to their age, or to membership in the credit union or both.

(2) The premium for the policy shall be paid by the policyholders, either wholly from the credit union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least seventy-five per cent (75%) of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contribution. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance, must insure all eligible members or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least 25 members at date of issue.

(4) Provisions set forth in KRS 304.854 and 304.855 shall not apply to policies issued to a credit union pursuant to this section.

HB 32: AN ACT relating to trading stamps.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Trading stamps" includes any stamps, coupons, tickets, certificates, cards, or other similar devices that upon surrender or redemp-

tion with or without accompanying cash entitle the purchaser or person receiving the same with the sale of goods, wares, merchandise, or services as a possible trade inducement or otherwise to receive other goods, wares, merchandise, services, or cash from the seller or from a third party. However, an offer made or endorsed by the manufacturer from, as a part of, or within the original wrapped package container in which goods are sold, of a premium or a reward for the return to the manufacturer of such goods, or to any dealer in such goods, of all or any part of that label or container, or any coupon placed in or attached to such label or container, is not a trading stamp.

(2) "Issuer" includes any person who issues, gives, sells, or otherwise distributes or furnishes any trading stamp to any merchant or dealer in goods or any supplier of services for issue by such merchant, dealer, or supplier in connection with the sale of goods or services.

Section 2. Trading stamps that have been distributed and not redeemed by the holder within two years of their printed date of distribution are unclaimed property. All rights of the holder of such stamps are escheated to the Commonwealth. The issuer shall pay the funds represented by such unredeemed trading stamps to the Department of Revenue.

Section 3. (1) No person shall distribute or furnish trading stamps, or redeem trading stamps, unless each stamp has legibly printed upon its face its redeemable value expressed in cents or fraction of cents. The redeemable value printed upon the face of each trading stamp shall not be less than the actual value of the trading stamp as determined by the issuer.

(2) No person shall distribute any trading stamp that does not have printed legibly on its face the month and year of distribution. Such date of distribution shall not be more than one month in advance of the date of its actual distribution.

(3) No person shall furnish a book or other device for the collection of trading stamps that does not bear a statement, in bold type, to the effect that trading stamps may be redeemed in premiums or in cash at the option of the holder if offered for redemption within two years of the printed date of distribution.

Section 4. No person shall distribute trading stamps unless the issuer thereof makes and maintains records of:

(1) The value of trading stamps issued by him within the Commonwealth;

(2) The date of their issue;

(3) The value of trading stamps redeemed by him within two years from their date of issue, so that the records will disclose accurately the total value of trading stamps issued within the Commonwealth that have not been redeemed within two years of their date of distribution.

Section 5. No person shall distribute trading stamps issued by an issuer of trading stamps who does not redeem the trading stamps in goods or in cash at the option of the holder when trading stamps of an aggregate value of at least ten cents are presented.

Section 6. The Department of Revenue may audit any issuer's books and records to determine the amount of funds represented by unredeemed trading stamps.

Section 7. No person shall distribute trading stamps issued by an issuer who does not post bond with the Department of Revenue conditioned on his maintaining accurate records and keeping those records available to the Department of Revenue. The Department of Revenue shall promulgate reasonable regulations governing the amount of the bond, the qualifications of sureties, and forfeiture procedures.

Section 8. Any person who violates any provision of this Act shall be fined not less than one hundred dollars nor more than five hundred dollars. Each day of continuance of a violation shall be a separate offense.

SB 296: AN ACT proposing an amendment to the Constitution of Kentucky relating to the issuance and sale of state bonds to provide for the payment of a bonus to veterans.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended by the ratification of a new section, to read as follows:

The General Assembly shall by law provide for the issuance and sale of bonds of the Commonwealth notwithstanding the limitation of indebtedness in Section 49 or any other section of the Constitution of Kentucky, which shall be in addition to all other bonds of the Commonwealth heretofore authorized. The proceeds of such additional bonds, or so many thereof as may be necessary for the purpose, shall be used and appropriated solely for the purpose of paying a cash bonus to the veterans of World War I, World War II, and the Korean War, who were residents of the Commonwealth at the time of their entry into the service and at least six months prior thereto.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

Section 3. In any election the form of the proposal shall be "Are you in favor of the issuance and sale of bonds to pay a bonus to veterans of World War I, World War II, and the Korean War?"

SR 75: A JOINT RESOLUTION appropriating twenty thousand dollars to the Prestonsburg Disaster Committee.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of twenty thousand dollars is hereby appropriated to the Prestonsburg Disaster Committee to aid the bereaved families.

SB 260: AN ACT relating to record books and supplies for clerks and courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 28.135 of the Kentucky Revised Statutes is amended to read as follows:

All necessary record books and all necessary supplies, materials, paper, binders, chemicals and other photostatic supplies used in the preparation and making of record books required by the county judge and the clerks of the county and circuit courts, shall be procured upon order of the respective court that requires them. The cost of such record books and other supplies shall be shared equally between the county and the Commonwealth.

SB 317: AN ACT relating to retirement of state employees and officials.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.525 of the Kentucky Revised Statutes is amended to read as follows:

Membership in the system shall consist of the following:

(1) Members of the General Assembly who elect to join the system;

(2) All persons who become employees of a participating department after the date such department first participates in the system; and

(3) All persons who are employees of a department on the date the department first participates in the system, either in service or on authorized leave from service, and who elect prior to October 1 next following such department's participation, or in the case of persons on authorized leave, within ninety days of their return to active service, to become members and thereby agree to make contributions as provided in KRS 61.510 to 61.700.

Section 2. A legislator who elects to join the Kentucky Employee's Retirement System shall join within thirty days after the beginning of his first term of office. A legislator holding office at the time this Act takes effect and joining within thirty days after the ef-

fective date of this Act shall be deemed to have joined within thirty days of the beginning of his first term provided he pays to the system an amount equal to the contribution he would have made during his service in the 1958 session of the General Assembly if this law had been operative during that session.

Section 3. Subject to the following exceptions, a legislators' membership in the system shall be subject to the provisions of KRS 61.510 to 61.700:

- (1) A legislator shall contribute five percent of his compensation;
- (2) A legislator shall be eligible for service retirement at age sixty-five with four sessions of service in the General Assembly;
- (3) A legislator's annual service retirement allowance shall be two and one-half percent of a session's compensation multiplied by the number of sessions he has served, regardless of when served;
- (4) A legislator shall not be compelled to retire at any age, and a legislator who has retired may rejoin the system upon his re-election, under regulations that the Board of Trustees shall promulgate;
- (5) For purposes of administration, the Department of Finance shall be a legislator's employer;
- (6) A legislator shall not be subject to death benefit and disability allowance provisions of KRS 61.510 to 61.700.

Section 4. The Board of Trustees shall study the feasibility of establishing a program of death benefits and disability allowances for legislator members on a scale commensurate with legislators' rate of contribution and benefits, and shall report its findings to the 1960 Session of the General Assembly.

Section 5. For the purposes of this Act, there is appropriated to the Department of Finance out of the General Fund the sum of \$15,000 for the fiscal year 1958-1959, and the sum of \$15,000 for the fiscal year 1959-1960.

HB 153: AN ACT relating to alcoholic beverage control.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.105 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

Section 1. Except as provided in Section 3, no wholesaler's license of the kind mentioned in KRS 243.030 and KRS 243.160 shall be issued to or held by any natural person who has not been an actual bona fide resident in this state for at least five years before the date on which the application for a license is made.

Section 2. Except as provided in Section 3, no wholesaler's license of the kind mentioned in KRS 243.030 and KRS 243.160 shall be issued to or held by any partnership, any member of which has not

been an actual bona fide resident in this state for at least five years before the date on which the application for a license is made; and no such license shall be issued to or held by any corporation of which as much as twenty-five percent of the capital stock is owned by any person or persons who have not had an actual bona fide residence in this state for at least five years before the date on which the application for license is made, or owned by any corporation as much as seventy-five percent of the capital stock of which is not owned by individuals who have had an actual bona fide residence in this state for at least five years before the date on which the application for license is made.

Section 3. Any natural person or partnership holding such license on June 15, 1950, shall not, by reason of the provisions of this section, be ineligible to continue to hold such license, or obtain a renewal thereof; and any corporation holding such a license on June 15, 1950, shall not, by reason of the provisions of this section, be ineligible to continue to hold such license, or obtain a renewal thereof, so long as none of its capital stock is thereafter transferred to a person or persons, other than the heirs of a stockholder, not having an actual bona fide residence in this state for at least five years before the date of such transfer, or transferred to a corporation as much as seventy-five percent of the capital stock of which is not owned as aforesaid. If, upon the death of a stockholder of a corporation holding such a license, some, or all, of its stock passes to persons, other than the heirs of the stockholder, who have not had an actual bona fide residence in this state for at least five years before the date upon which the stock passed to them, and, as a result, as much as seventy-five percent of the capital stock of such corporation does not continue to be owned by persons, other than the heirs of the stockholder, who have had an actual bona fide residence in this state for at least five years before the last date on which such stock passed, the corporation may, nevertheless, continue to hold its license and to do business thereunder for the remainder of the term for which the license was issued and for one renewal period of such license.

SB 196: AN ACT relating to registration and purgation in counties containing cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each county containing a city of the first class shall have a body corporate designated as the Board of Registration Commissioner of the County of ----- The administration of registration for elections and purgation of registration in such county outside of a city of the first class shall be under the supervision and control of the Board. The Board may make contracts, sue and be sued, and adopt a common seal. The Board may adopt reasonable rules and regulations necessary for the proper conduct of its

office and the discharge of its duties. A majority vote of the members of the Board shall control the decision of the Board upon any question arising in connection with the administration of their duties. The Board shall consist of three members who are citizens and registered voters of the county for which they are appointed and not less than twenty-five years of age. Each member shall, before taking office, take an oath that he possesses the required qualifications. Each member of the Board shall receive a reasonable compensation fixed by an order of the Fiscal Court, but not less than \$1200 per year.

Section 2. (1) On July 1, 1958, the State Board of Registration and Purgation shall appoint three members of the Board of Registration Commissioners who shall hold office until December 31, 1961. On January 1, 1962, and on January 1 every fourth year thereafter, the State Board of Registration and Purgation shall appoint three members of the Board of Registration Commissioners who shall hold office for a term of four years and until their successors are appointed and have qualified. The members shall be eligible for reappointment and to succeed themselves.

(2) Each of the Executive Committees of the two political parties receiving the largest number of votes at the last preceding regular election in any county containing a city of the first class shall, on or before June 15, 1958, and on or before December 1, every fourth year, beginning with 1961, submit to the State Board of Registration and Purgation a written list of five persons possessing the required qualifications for members of the Board. The State Board of Registration and Purgation shall appoint one member of the Board from each list submitted by the County Executive Committees of the two political parties, and the third member of the Board, who shall be designated as the citizen member of the Board, shall be a qualified elector in the county.

(3) If either of the County Executive Committees fails to submit a list, the State Board of Registration and Purgation may select and appoint as a member of the Board any qualified person who is registered as a member of and supported at the last regular election the nominees of the political party represented by the County Committee that failed to furnish a list.

Section 3. (1) If a vacancy occurs in the office of the member representing either one of the two political parties, the State Board of Registration and Purgation shall immediately notify the County Committee that nominated the member whose office is vacated, and that Committee shall, without delay, submit to the State Board of Registration and Purgation a written list of five qualified persons, and from that list the State Board of Registration and Purgation shall at once fill the vacancy for the unexpired term by appointment. If a vacancy occurs in the office held by the citizen member of the Board, the State

Board of Registration and Purgation shall promptly appoint a qualified person to fill such vacancy, who shall serve for the unexpired term.

(2) No member of the County Executive Committee of either party shall be a member of the Board or hold any clerical or other position under the Board.

Section 4. The Board of Registration Commissioners shall appoint a registrar and an assistant registrar who shall act respectively as secretary and assistant secretary of the Board. They shall have general charge of its office records and employees under the supervision and direction of the Board and shall perform the duties that the Board prescribes. They shall hold office at the pleasure of the Board and devote their entire time to the duties of their office. They shall be members of opposite political parties. The Board may employ clerks and employees for such periods of time as it deems necessary for the proper conduct of its business. The employees of the Board shall be employed as nearly as practicable in equal numbers from the two political parties represented on the Board. The registrar and assistant registrar shall each receive the same annual salary to be fixed by the Board at a reasonable sum, and the compensation of all clerks or employees shall be fixed by the Board at a reasonable sum. The Board shall determine the number of clerks and employees necessary for the proper conduct of the Board's business and shall fix all salaries and compensation of the Board's employees. All expenses of the Board, including expenditures for equipment and office supplies, and all salaries and compensation of the members and employees of the Board shall be paid by the Fiscal Court of the county.

Section 5. Any member of the Board of Registration Commissioners, the registrar, assistant registrar and any temporary or permanent employee of the Board may administer oath to any person of whom information is sought touching any matter pertaining to the administration of the statutes relating to registration and purgation in counties containing a city of the first class.

Section 6. All equipment and office supplies required by the Board of Registration Commissioner shall be bought by the Board by competitive bids upon uniform specifications, and the contract shall be awarded to the lowest and best bidder. No member, officer or employee of the Board of Registration Commissioners shall be directly or indirectly interested in any contract with the Board.

Section 7. (1) The Board of Registration Commissioners shall acquire and maintain a permanent office and equip it in such manner as it deems necessary. The office shall be maintained and kept open to the public every day, except Sundays and holidays, between the hours of 9:00 a.m. and 4:30 p.m. except that the Board may authorize the office to be closed at 1:00 p.m. on Saturdays. The Board also may keep the office open to the public at night and at such other hours as

the Board may determine, not inconsistent with the provisions of the applicable statutes. The Board may establish such temporary branch offices as it deems necessary and keep them open at such times and for such periods of time as the Board may determine.

(2) The Board shall prescribe and provide all forms, records and paraphernalia required for the conduct of registration.

Section 8. (1) During the time the office of the Board of Registration Commissioners is lawfully open for registration, the registrar and assistant registrar and such deputy registrars as the Board appoints shall register every person who applies in person at the permanent or any temporary branch office of the Board and complies with the provisions of subsection (2) of this section.

(2) Every person applying to be registered shall make oath on the form prescribed by the Board that he possesses the legal qualifications for registration, and shall be required to sign his name on two registration record forms. The signature shall be attested by two employees of the Board of opposite political affiliations. One of the registration record forms shall be filled out in full before the signature and oath of the registrant is made, but only the signatures of the registrant and of two employees of the Board of opposite political affiliations shall appear on the duplicate form. The registrar or assistant or deputy registrar shall enter on the registration record form, in the proper places, the name, address, color, sex, apparent height, weight, party affiliation, occupation, birthplace and mother's name of the person applying for registration, and any distinguishing physical characteristic of the person that may serve as an additional means of identification. He shall also enter the date of registration and whether or not the person is over eighteen years of age, and, if the person is naturalized, he shall enter the time and place of naturalization. If a person applying for registration states under oath that he cannot write his name, the registrar or assistant or deputy registrar shall sign the registration form for him, and he shall sign the form by making his mark which shall be attested by the registrar or assistant or deputy registrar and by another employee of the Board of opposite political affiliation.

Section 9. (1) The Board of Registration Commissioners shall cause to be made five typewritten or photostatic copies of the registration record of each person who registers. One of the copies shall be typewritten on the form signed in blank by the registrant as provided in KRS 117.720. The original record and the copy signed by the registrant shall be filed in locked binders or card files, by precincts, in such systematic order as the board prescribes, and shall constitute the precinct registers. Another copy of the record shall be filed in locked binders or card files, without regard to precincts, in alphabetical order for the entire city. The Board shall furnish one copy of each record, as soon as completed, to each of the city executive committees.

(2) The Board shall keep the original registration records and

the copies required to be kept by this section safely in its office, and shall not permit them to be taken therefrom except as provided in KRS 117.740 and 117.745, or on order of a court for the purpose of use in a trial or proceeding. The initial registration records made under Chapter 48 of the Acts of 1930 shall also be kept as provided in this section.

(3) The date on which any change in the registration or party affiliation of a voter is made shall be noted on the individual registration record of the voter in each of three registers maintained by the Board. The Board shall make and keep a record of all changes and transfers of registration, and shall, on the first day of each week, furnish each of the city executive committees a list of the changes and transfers made during the preceding week.

(4) If the original of any individual registration record is lost, destroyed or becomes in such condition as to render it difficult or unsafe to use, the Board shall cause a new record to be made in such manner as it deems necessary consistent with the provisions of KRS 117.600 to 117.895.

Section 10. When the boundaries of any precinct are changed by law and the change places a registered voter in a new or different precinct, the Board of Registration Commissioners shall transfer the individual registration record of the voter to the precinct register for the precinct in which he is placed by the change of boundaries. The transfer shall be made automatically, without any application therefor by the voter. The date on which the change is made and the reason therefor shall be noted on the individual's registration record, and also on the registrant's card kept in the record file arranged alphabetically for the entire county, and a notice thereof shall be mailed by the board to the voter, advising him thereof and the reason therefor.

Section 11. (1) Any voter of the county, outside of a city of the first class, who changes his name, by marriage or otherwise, shall be required to register anew, and the old registration record of such voter shall be marked "cancelled. Name changed to_____." The old record shall then be placed in the cancelled registrations file and the copies thereof disposed as provided in KRS 117.875.

(2) When any registered voter in the county, outside of a city of the first class, moves from the precinct in which he is registered to a different precinct in the county, he shall make and sign an application to have his registration record transferred to the proper precinct, and deliver the application to the Board of Registration Commissioners.

(3) Every gas, water, electric light and telephone company operating in a county containing a city of the first class shall, on the fifth business day of each month, furnish to the Board of Registration Commissioners a certified report containing the names of all persons for whom, during the calendar month immediately preceding, gas, water,

electric light or telephone service has been installed, moved to another location or discontinued, with the address at which the services were so installed, removed or discontinued. Such information shall be treated as confidential and shall be used by the Board only for the purpose of correcting its records as provided in this section.

(4) The Board of Registration Commissioners may, upon the application of any registered voter, or upon the basis of the information received under subsection (3) of this section, or upon the basis of reliable information obtained or furnished from any other source, transfer the registration record of any voter to the precinct where it belongs, but no such transfer shall be made unless notice has been mailed to the voter at the address appearing on the existing registration records, stating that his registration will be transferred, for the reason stated in the notice, unless protest is filed within five days, and the transfer shall not be made until the five-day period has expired. If protest is filed, the Board shall investigate the matter and shall take no action until after the protestant has been given an opportunity to be heard.

Section 12. At each primary, special or regular election, one set of the precinct registers for each precinct containing the typewritten copies of the registration records signed by the voters, after having first been securely locked in the binders or containers provided by the Board of Registration Commissioners, shall be turned over to the clerks of election of the respective precincts for use in holding the election. The clerks shall sign receipts for the precinct registers and shall, within two days after the election, return the registers to the office of the Board and secure a receipt therefor.

Section 13. (1) Prior to every primary, special, or regular election in a county containing a city of the first class, the county clerk shall have prepared for each precinct of the county a comparative signature book which shall be in permanent form and contain sufficient blank sheets of non-detachable type to afford reasonable space for as many signatures as there are registered voters in the precinct. The county clerk shall follow the instructions of the Board of Registration Commissioners with respect to the exact form and makeup of the comparative signature books and they shall be furnished and paid for in the same manner as other election paraphernalia. The county clerk shall deliver the comparative signature books along with other election paraphernalia to the clerks of election of the several precincts who shall sign a receipt therefor. Before a vote is cast by any person, at any primary, special, or regular election in a county containing a city of the first class, he shall sign his name in the comparative signature book, unless he signed his registration record by making his mark, and the officers of election shall compare the signature of every such person with the signature of that person on the registration record form in the precinct register. The challengers of the respective

political parties present shall also have the right to compare the signature at the time the comparison is made by the officers of election. If the comparison of signatures creates a doubt in the minds of two of the election officers as to whether the person applying to vote is the same person as the registrant, no vote shall be cast by him unless he otherwise satisfactorily establishes his identity as the registrant. When the polls close, the precinct sheriff and judge of the opposite political faith shall forthwith convey the comparative signature book to the place where the county clerk receives other election paraphernalia. The Board of Registration Commissioners shall have at that place, plainly identified, a duly authorized representative to whom the sheriff and judge aforesaid shall deliver the comparative signature book and secure a receipt therefor. The Board shall retain the comparative signature books for at least the next two succeeding primary and general elections.

(2) If any person applying to vote at an election states that he cannot sign his name, the judges of election shall immediately swear him as to his name and his inability to write, and thereupon the judges and the challengers of the respective political parties shall examine the registration record in the precinct register, and if it is shown by that record that the person of that name signed his name on the registration record, said person shall not be permitted to cast a vote, unless his inability to sign his name at the date of the election is due to some physical disability arising subsequent to his registration. The election officers shall make and return to the Board a record sheet of each person so sworn, showing the disposition made of each case, which shall be delivered to the Commonwealth's attorney within ten days of the election. The record sheets shall be provided as other election paraphernalia.

(3) The clerk in each precinct shall, immediately after a person has cast his vote at every primary, special, and regular election, indicate at the proper place on the registration record that such person voted at the election.

Section 14. The Board of Registration Commissioners shall permit any citizen, at such times as its office is open to the public and as will not interfere with the proper conduct of the office, to copy any registration record without fee or charge. Copies of registration records made and furnished by the Board, except those furnished the county executive committees as provided in KRS 117.725, shall be paid for by the person ordering and receiving them, at the rate of ten cents per copy for each individual registration record so copied. The fees so collected by the Board shall be used for the purposes of the Board.

Section 15. (1) The County Boards of Registration and Purgation in each county containing a city of the first class are hereby abolished, and all the powers and duties of such Boards with respect to

registration and purgation are hereby transferred to and imposed upon the Boards of Registration Commissioners authorized by this Act.

(2) The existing laws relating to purgation of registrations generally shall apply to counties containing a city of the first class and shall be administered and carried out by the Board.

(3) All laws in conflict with the provisions of this Act are hereby repealed.

SB 230: AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky relating to taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

It is proposed that Section 170 of the Constitution of Kentucky be amended to read as follows:

There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education, public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods of a person used in his home; crops grown in the year in which the assessment is made, and in the hands of the producer; and all laws exempting or committing property from taxation other than the property above mentioned shall be void. The General Assembly may exempt, or authorize any incorporated city or town to exempt, manufacturing establishments from taxation, for a period not exceeding five years, as an inducement to their location within the Commonwealth.

SR 79: A CONCURRENT RESOLUTION directing the Legislative Research Commission to study the obligations of airlines to the Commonwealth of Kentucky.

WHEREAS, the Commonwealth of Kentucky is faced with the problem of aviation-growth demands; and

WHEREAS, the location of air service in communities has resulted in the growth of industry in areas accessible to such service; and

WHEREAS, the best interests of the people of this Commonwealth require the development of air service to all areas of the state;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Legislative Research Commission is hereby authorized and directed to make a study of the obligations of airlines to the Commonwealth of Kentucky and to public airports under existing law and inquire into the manner in which airlines are meeting these obligations, and further make recommendations to guide the General Assembly in any future course of action to be taken.

Section 2. That the Chairman of the Legislative Research Commission be and is hereby authorized to appoint a committee to advise the Legislative Research Commission with respect to such study and the making of recommendations as a result thereof.

Section 3. That the advisory committee be composed of one member of the Senate, one member of the House of Representatives, one representative of the airlines, one official from the Department of Revenue, one official from the Department of Aeronautics and two private citizens.

Section 4. That the members from the Senate and the House of Representatives and the two private citizens receive a per diem of thirty-five dollars each, in addition to actual expenses incurred in the performance of the services hereby delegated.

Section 5. That the members from the airline industry, and Departments of Revenue and Aeronautics receive actual expenses incurred in the performance of the duties hereby delegated.

Section 6. That the Department of Aeronautics is hereby directed to extend to the Legislative Research Commission its full and complete cooperation by supplying any required records, statistics, materials, and reports and in any other particular in which the study may be implemented.

Section 7. That the results of the study be made the subject of a report to be submitted to the General Assembly not later than the 1960 regular session.

Section 8. There is hereby appropriated for the purposes of this Resolution, out of the General Fund, the sum of \$2,000 for the fiscal year 1958-1959.

SB 316: AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

Where a compensable injury or occupational disease results from injurious exposure to ionizing radiation on or about the premises of an employer authorized, pursuant to the provisions of the United States Atomic Energy Act of 1954, as amended, to have, use or produce any special nuclear material or any radioactive material yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material the employer shall pay for or furnish for the cure and relief from the effects of such injury or disease such medical, surgical and hospital treatment, including nursing, medical and surgical supplies and appliances, and such rehabilitation, including occupational retraining and physical and mental therapy, as may reasonably be required to assure maximum recovery and maximum restoration of earning power, but not exceeding a total expense to the employer of more than twenty thousand dollars; provided, however, the board may, upon the recommendation of a panel of not more than three disinterested physicians appointed as provided in KRS 342.315, direct the particular facilities wherein treatment, hospitalization or rehabilitation are to be administered or conducted; and, upon refusal of any employe to utilize the facilities so designated, further treatment, hospitalization or rehabilitation at the expense of the employer shall be terminated. The benefits provided in this Act are in addition to all other compensation and benefits provided in KRS Chapter 342, except the twenty thousand dollars limitation herein provided is in lieu of the twenty-five hundred dollars limitation provided in subsection (1) of KRS 342.020.

SB 2: AN ACT relating to absent voting and amending KRS 126.140, 126.150, 126.160, 126.170, 126.180, 126.190, 126.200, 126.210, 126.220, 126.230, 126.240, 126.250, 126.260, 126.270, 126.290, 126.320.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 126.140 of the Kentucky Revised Statutes is amended to read as follows:

“Board” means board of election commissioners.

Section 2. Section 126.150 of the Kentucky Revised Statutes is amended to read as follows:

Any absent voter may, at any time not less than ten days before an election, make an application in writing on the form prescribed in KRS 126.160 to the board of election commissioners of the county of his residence for an absent voter's ballot. The application of an ill person, who is confined to a hospital or nursing home without the county, for an absent voter's ballot must be accompanied by a signed statement of the attending physician. The application of a student who is attending school without the county for an absent voter's ballot must be accompanied by a signed statement of the dean or a department head.

Section 3. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

Application for absent voter's ballot shall be signed and sworn to by the absent voter before the board or before a civil officer or a commissioned officer of the armed forces authorized by law to administer an oath. The application shall be substantially in the following form: "State of _____, County of _____. I, _____, state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date thereof. I am a resident of _____ County and have been such for more than six months prior to said date and expect to be absent therefrom in the course of my business or duties at the election to be held on the _____ day of _____, 19____, and will not vote elsewhere at said election, and am a resident of _____ precinct of said county (or _____ ward of the city of _____, county of _____), and have been such for at least sixty days prior to said date: that I reside at _____ (house number and street address, if in city, or county road and nearest neighbor, if in county) that I will be at least eighteen years of age by the day of the next election, and that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the _____ political party; I request that an official ballot be mailed to me at the following address:

(Name and address)

(Rank and unit if member of
Armed Forces)

(Department of United States
Government if an employe or the
wife of an employe stationed
abroad)

(Voter must sign here, and oath
must be administered and
attested.)

"Subscribed and sworn to before me this ____ day of _____,
19____.

(Name and official title)"

Section 4. Section 126.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon receipt of any application for an absent voter's ballot the board shall cause the county clerk to examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds the applicant is so registered the board shall forward a ballot to the voter as provided in KRS 126.190.

(2) If the county court clerk does not find the applicant to be so registered and if the application does not indicate that the applicant is a member or spouse of a member of the Armed Forces, or if

an employe or the spouse of an employe of the United States Government stationed abroad the board shall immediately mail a letter to the applicant, at the address stated in the application advising him that his application cannot be honored because of the fact that he is not registered, and advising him what period of time, if any, remains in which he may register prior to the election. The application shall be placed in a file marked "Nonregistered Applicants for Absent Voters' Ballots." If the board thereafter and prior to the election receives notice from the applicant advising that the applicant has registered the board shall again cause the county clerk to examine the registration books and if he finds that the applicant has registered the board shall remove the application from the non-registered applicants' file and forward a ballot as provided in KRS 126.190. Any application not so removed from the nonregistered applicants' file shall be retained in such file until thirty days after the election when they shall be burned by the board in the presence of the judge and sheriff of the county.

(3) If the application of a person found not to be registered indicates that the applicant is a member or the spouse of a member of the armed forces or an employe or the spouse of an employe of the United States Government stationed abroad, the board, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered in the registration records of the proper precinct and shall cause to be marked upon such registration records the words "Absentee Registration." Such registration may be made at any time prior to the election for which application for an absent voter's ballot is made.

(4) Any person who has been registered under the provisions of subsection (1) of this section shall be required to register in person upon his first return to the county of his residence at a time when the books are open.

(5) The oath required of a member of the Armed Forces shall be taken as specified in KRS 384.080 and the oath required of a civilian employe of the United States Government or his wife stationed abroad may be taken by the persons mentioned in KRS 382.150.

Section 5. Section 126.180 of the Kentucky Revised Statutes is amended to read as follows:

The board shall prepare for each precinct a list of the names of all voters of that precinct to whom have been sent absent voter's ballots. The board shall cause such lists to be delivered to the precinct election officers of each precinct on the morning of the election prior to the opening of the polls, and the precinct election officers shall post the list in a public place at the voting place where it may be inspected by any voter. The list shall be entitled "List of Applicants for Absentee Ballots."

Section 6. Section 126.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be but one book of ballots for absentee voters printed for each county, which book shall not be used for other voters. The board after such ballots have been printed shall, commencing with the first ballot in such book, write the names, addresses, and voting precincts of all who have applied for absent voter's ballots on the primary stubs of the ballots and across such stubs shall write "absent voter." In the case of primary elections the board may use two or more such books, each of which shall contain the ballots of the political party with which the particular voter is affiliated.

(2) After having made the required entries, the board shall remove the ballots from the book, with the secondary stubs attached, and shall mail the ballots of each voter to the address given by him in his application, the ballot sent to each voter to correspond with the number on the stub on which such voter's name is written. There shall be enclosed with the ballot sent to each voter the two official envelopes for returning the ballot hereinafter provided for, and a copy of the instructions for absent voters. The ballot, envelopes and instructions shall be sent by mail, postage prepaid, and if the address of the applicant is outside the continental limits of the United States the same shall be sent by air mail.

Section 7. Section 126.200 of the Kentucky Revised Statutes is amended to read as follows:

The board of election commissioners of each county shall cause to be prepared and printed an appropriate number of outer envelopes for absent voter's ballots, which shall bear the words "Absent Voter's Ballot" and shall also bear the address and official title of the board.

Section 8. Section 126.210 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voter's ballots, for all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter -----
Residence (Street and number, if any)-----
County of -----
City or Town of-----

On the other side of such envelope shall be printed the following oath: "I do hereby swear (or affirm) that I am a citizen of the United States and am now at the age of at least eighteen years or will be on the day of the election to be held on the ----day of-----, 19--- (here insert the day of the election), that I

will have been a resident of the State of Kentucky for at least one year next preceding such election, and a resident of the County of _____ for more than six months preceding such election, and a resident of _____ precinct of said county (or _____ ward of city of _____, County of _____) at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am affiliated with the _____ political party that in the course of my business or duties I expect to be absent from said precinct or ward at the time of said election.

(Voter must sign here, and oath
must be administered and attested.)

“Subscribed and sworn to before me this ____ day of _____,
19____.

(Official Title)”

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

Section 9. Section 126.220 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State shall also cause to be prepared and printed an appropriate number of forms for application for absent voter's ballots, and of instructions for absent voters. The Secretary of State shall furnish to each board, upon application, a sufficient number of inner envelopes, application forms, and instructions.

Section 10. Section 126.230 of the Kentucky Revised Statutes is amended to read as follows:

When the absent voter receives the ballot and the two envelopes, he shall go before some civil officer or commissioned officer of the armed forces authorized by law to administer an oath and before him make and subscribe to the affidavit on the face of the envelope and shall, in the presence of such officer and no one else, mark the ballot so as to indicate the way he desires to vote, but in such manner as to prevent the officer from knowing how the ballot is marked or how he has voted. He shall then, and while in the presence of the officer, fold the ballot in such way as to conceal the markings made thereon by him, and after the ballot has been so folded, he shall enclose it in the inner envelope; then seal said envelope and then enclose it in the outer envelope, along with the envelope in which he received his absent voter's ballot from the board; then seal and write his name across the face of the outer envelope, and at once mail it to the board in care of the sheriff.

Section 11. Section 126.240 of the Kentucky Revised Statutes is amended to read as follows:

Before sending an absent voter's ballot to any applicant prior to any election the board shall provide itself with one or more legal ballot boxes as may be required. The boxes shall be locked in the presence of all members of the board and each member of the board shall be delivered one of the keys to the ballot boxes. The boxes shall remain locked and the members of the board shall retain the keys in their possession until the boxes have been returned to the custody of the board following the election, and opened as provided in KRS 126.270.

Section 12. Section 126.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the board receives an absent voter's ballot, the sheriff shall immediately stamp on the outer envelope the day and hour of its receipt. All such ballots received by it prior to the hour for closing the polls on the day of the election shall be deposited in the ballot box, provided for in KRS 126.240, without opening the outer envelope. All envelopes received by the board after the hour for closing the polls on the election day shall be kept by the board unopened until thirty days after the election, when they shall be burned by the board in the presence of the county judge and sheriff, without being opened.

(2) In the case of ballots received prior to the time the registration copy records are delivered to the precinct officers, the board shall indicate or cause to be indicated upon such copy records the fact that the voter has voted as an absentee. In the case of ballots received after the registration copy records have been delivered to the precinct officers, but before the hour for closing the polls, the board shall, within five days after the election, indicate or cause to be indicated upon the copy registration records the fact that the voter has voted as an absentee.

Section 13. Section 126.260 of the Kentucky Revised Statutes is amended to read as follows:

During the period between the time the ballot boxes provided for in KRS 126.240 have been locked and the time of their opening following the election the board shall keep the same in a secure and substantial place and keep a sufficient guard over same in a careful manner. The chairman of the county executive committee of each of the two dominant political parties, and each candidate to be voted for at the election and, in case of elections on public questions, each committee duly recognized by law as a committee entitled to challenges or witnesses to the count, may designate a person to assist the board and other guards to guard the ballot boxes.

Section 14. Section 126.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) Immediately following the closing of the polls on the election day the board, before opening other ballot boxes, shall open the boxes

containing absent voter's ballots, and remove the envelopes one at a time. As each envelope is removed, it shall be examined to ascertain whether the outer envelope is in proper form and bears the stamp indicating that it was received prior to the closing of the polls. If the outer envelope is found to be satisfactory in these respects, the outer envelope shall be opened, and the inner envelope shall be examined for the purpose of ascertaining whether the inner envelope is regular and in the form and condition required by this Act and is properly sealed, and the affidavit on the face thereof is regular and in the form required by this Act. If the inner envelope is found to be satisfactory in these respects, the secretary of the county board of election commissioners shall read aloud the name of the absent voter. If the vote of such voter is not rejected on a challenge then made as hereinafter provided, the secretary shall then open the envelope and remove the ballot therefrom without unfolding it, and in such a way as not to expose the markings thereon or how the absent voter has voted. The secretary shall write his name on the back of the ballot and then hand it to one of the members of the board of election commissioners, who shall write his name on the back of the ballot, detach the secondary stub, and then place the ballot in a regular ballot box which has been provided for the purpose.

(2) When the name of an absent voter is read aloud by the secretary, the vote of such voter may be challenged and the challenge thereto may be determined and the vote accepted or rejected by the board of election commissioners as if the voter was present and voting in person, but if the envelopes and the affidavit on the face of the inner envelope are regular, and substantially comply with the provisions of this Act, they shall be considered as showing that the absent voter is *prima facie* entitled to vote. If the vote of an absent voter is rejected pursuant to the challenge, the inner envelope shall not be opened, and the secretary of the board of commissioners shall write on the envelope the word "rejected." Such rejected ballots shall be handled as other rejected ballots.

(3) After the absent voter's ballots have been signed and re-deposited in a ballot box, as provided in subsection (1), the box shall be thoroughly shaken so as to redistribute the ballots in the box. The board of election commissioners shall then reopen the box and count the ballots and tabulate them separately on tally sheets.

(4) The two envelopes from each ballot together with the ballots shall be retained by the board until thirty days after the election when they shall be burned in the presence of the county judge and sheriff. If a contest or recount proceeding is instituted during said thirty-day period, the ballots shall not be burned but shall be disposed of as directed by the court in which such proceeding was instituted.

Section 15. Section 126.290 of the Kentucky Revised Statutes is amended to read as follows:

The provisions of this Act shall not be construed to prohibit any absent voter, who has returned to his place of residence, from voting in person within his precinct at any election notwithstanding that he may have made application for an absent voter's ballot and such ballot has been mailed to him, if such voter has not voted the ballot and mailed it to the board. In such case the voter shall return the ballot not voted to the board from whom he received it, and the board shall mark the ballot "cancelled" and preserve it for the same period as other absent voter's documents are to be preserved. The board shall also enter the word "cancelled" upon the ballot stub in the ballot book, and remove such voter's name from the list provided for in KRS 126.180.

Section 16. At any time after ballots are printed and are available through the board application for an absent voter's ballot may be made in person before the board. The board shall, if the application is found to be in order and the applicant is duly qualified, permit such applicant, if he so desires, to vote by absent voter's ballot, at that time. Such ballots shall be handled in the manner of other absent voter's ballots received by the board by mail.

Section 17. Section 126.320 of the Kentucky Revised Statutes is amended to read as follows:

The cost of postage and envelopes required to be used by the board in carrying out the provisions of this Act, including the cost of printing the outer envelopes, shall be paid by the county.

Section 18. (1) The board is hereby authorized to employ a secretary who shall be compensated by the fiscal court at a rate to be decided by such board.

(2) The secretary shall be empowered with all the authority of the board with respect to administration of oaths, receiving applications for absent voter's ballots, causing a search of the registration records, forwarding of ballots, causing applicants to be given absentee registration, preparation and marking of absent voter's ballots, receipt of voted ballots and placing of same in the ballot box, and the keeping of records.

HB 470: AN ACT relating to amusement tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Sections 138.010, 138.020, 138.030, 138.040, 138.045, 138.050, 138.060, 138.070, and 138.080 of the Kentucky Revised Statutes are repealed.

SB 325: AN ACT relating to election of the State Superintendent of Public Instruction.

WHEREAS, the office of State Superintendent of Public Instruction is one of the most important in our government;

WHEREAS, it has long been the aim of educators to free the office from political implications, and

WHEREAS, such ends are not now attainable by virtue of the present system of electing the State Superintendent;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall be eligible to be a candidate for the office of State Superintendent of Public Instruction except upon nomination in accordance with this Act.

Section 2. (1) To be eligible for nomination, a candidate must file a petition with the Secretary of State not less than fifty-five days before the day fixed by law for the holding of primary elections. Such petition shall contain the signatures and addresses of not less than two thousand voters. The petition shall state the name and address of the candidate, that he is legally qualified to hold the office, and that the subscribers desire, and are legally qualified, to vote for the candidate. The petition shall be verified by the affidavit of some person as to the genuineness of the signatures and addresses of the signers. No person shall sign more than one petition.

(2) Not more than fifteen percent, nor less than five percent of the two thousand petitioners may reside in any congressional district. If more than fifteen percent of the signatures are from one congressional district, the excess shall be disregarded. No petition shall be filed with less than five percent of the signatures from any congressional district.

Section 3. The county clerk of each county shall cause to be printed on a separate ballot the names of candidates for the office of Superintendent of Public Instruction certified by the Secretary of State in alphabetical order. The separate ballot shall conform as nearly as practicable to the provisions of KRS 118.170. The ballots shall carry no emblem or device indicative of party affiliation or other affiliation.

Section 4. (1) The two candidates receiving the highest number of votes in the primary shall have their names printed on the ballots in the succeeding general election. The ballots shall be separate from other ballots, and shall contain no party designation or emblem of any kind, nor sign indicating any applicant's political belief or party affiliation.

(2) If any candidate receives fifty-one percent or more of the total votes cast in the primary, he shall not be required to be a candidate in the ensuing general election, but shall stand elected and shall be so certified with other candidates winning in the general election.

Section 5. In all respects not specifically provided for in this Act, the general election laws shall apply.

HB 79: AN ACT relating to state purchases giving preference to products of the Kentucky Industries for the Blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Where the products of the blind produced under the supervision and direction of the Kentucky Industries for the Blind meet the requirements of state offices, departments, institutions and agencies of the Commonwealth as to quality, quantity and price, such products shall have preference in all purchases by and for such state offices, departments, institutions and agencies. The price charged for the products shall, in no case, exceed the price quoted to other consumers. The Bureau of Rehabilitation Services in the Department of Education shall, from time to time, cause to be made available to the Division of Purchases, lists of the products of the Kentucky Industries of the Blind.

Calendar

SR 14, HB 340, SB 93, SB 95, SB 96, SB 100, SB 132, SB 247, SB 307, SB 310, SB 182, HB 300, SB 267, SB 315, HB 298, HR 41, SB 318 were taken from the Calendar and ordered read at length for the second time. Senator Bassett moved that they be read by title only. Agreed by a majority of the members elected. Ordered placed in the Orders of the Day.

Orders of the Day

SR 61 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Kidwell moved the Previous Question on **SR 61**. Agreed.

On roll call, the vote was: Yeas, 30—Anggelis, Bassett, Blake, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Hamilton, Hickerson, Howell, Jackson, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SR 61 was passed and the title agreed to.

HB 187 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Kidwell moved the Previous Question on **HB 187**. Agreed by voice vote.

On roll call, the vote was: Yeas, 30—Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields,

Francis, Freeman, Hamilton, Hickerson, Howell, Jackson, Johnson, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

HB 187 was passed and the title agreed to.

HB 147 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Hamilton moved the Previous Question on **HB 147**. Agreed.

On roll call, the vote was: Yeas, 24—Anggelis, Bassett, Blake, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Fields, Francis, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, Melton, Overbey, Robinson, Van Hoose, Warinner, Nays, 10—Blue, Bonn, Clay, Duffy, Freeman, McCann, Miller, Reuscher, Ware, Willis.

HB 147 was passed and the title agreed to.

Senator Hamilton moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 285 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved that the Committee Substitute for **SB 285** be adopted.

Senate Rules Committee Substitute for **SB 285**: AN ACT relating to motor carriers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 281.605 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

(1) The provisions of this chapter shall not apply, except as to the safety regulations, to:

(a) Motor vehicles used as school buses and while engaged in the transportation of students, under the supervision and control and at the direction of school authorities;

(b) Motor vehicles, regardless of ownership, used exclusively:

1. For the transportation of agricultural and dairy products, including fruit, livestock, meats, fertilizer, wood, lumber, cotton, products of grove or orchard, poultry and eggs, while owned by the producer of the products, including landlord where the relation of landlord and tenant or landlord and cropper is involved, from the farm to a market, warehouse, dairy or mill, or from one market, warehouse, dairy or mill to another market, warehouse, dairy or mill: or

2. For the transportation of agricultural and dairy products, livestock, farm machinery, feed, fertilizer, and other materials and supplies essential to farm operation, from market or shipping terminal to farm; or

3. For both the purposes described in subparagraphs 1 and 2 of this paragraph; or

4. For the transportation of agricultural and dairy products from farm to regularly organized fairs and exhibits and return;

(c) Motor vehicles used exclusively as church buses and while operated in the transportation of persons to and from a church or place of worship or for other religious work under the supervision and control and at the direction of church authorities;

(d) Motor vehicles used exclusively in transporting materials, supplies and equipment for the construction, reconstruction or maintenance of any public highways, road or street in this state;

(e) Motor vehicles used exclusively for the transportation of property belonging to a nonprofit cooperative association or its members where the vehicle is owned or leased exclusively by the association;

(f) Motor vehicles owned in whole or in part by any person and used by such person to transport petroleum products and those incidental supplies used or sold in connection with the wholesale or retail sale of such petroleum products of which petroleum products or incidental supplies, such person is the owner, lessee, consignee, or bailee; provided, however, that such transportation is for the purpose of sale, lease, rent or bailment, and is an incidental adjunct to an established private business owned and operated by such person in the furtherance of any commercial enterprise other than the business of transportation of property for hire;

(g) Motor vehicles used as a U-Drive-It only for the transportation of property operated exclusively within a city or within a city and its commercial area;

(h) Motor vehicles used in pick-up or delivery service within a city or within a city and its commercial area for a carrier by rail.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

The following vehicles operated by a carrier or motor carrier shall be exempt from the tax imposed by KRS 281.810; Motor vehicles registered under subsection (3) of KRS 186.050 or motor vehicles owned by any person not a resident of this state and duly registered under the laws of any other state, which when operated in this state are used exclusively for the transportation of property for hire within the corporate limits of the city named in the affidavit hereinafter required to be filed or within ten miles of the limits of such city if such city is a city of the first, second, third or fourth class, or within five miles of the limits of such city if such city is a city of the fifth or sixth

class. Operations outside of this state shall not be considered in determining whether or not this exemption applies. When claiming exemption under this section, the carrier shall file with the department an affidavit stating that the motor vehicle when used in this state is to be used only for the transportation of property within the city named in the affidavit and the area above set out, and that the vehicle will not be used outside of such city and the area above set out during the current registration period. The carrier shall furnish such other information as may be required by the rules and regulations of the department, and shall otherwise be subject to the provisions of KRS Chapter 281 and the rules and regulations of the Department of Motor Transportation.

Adopted by voice vote.

Senator Overbey moved the Previous Question on **SB 285** by way of Committee Substitute. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Warinner, Willis, Young; Nays, 0.

SB 285 was passed and the title agreed to.

Senator Overbey moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 270 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Francis moved that Committee Amendment No. 1 to **SB 270** be adopted.

Amend printed copy of **SB 270** on page 5, section 3, line 11 by inserting immediately after line 11 the following:

“(3) In counties having a population of 75,000 or more the County Fiscal Court, upon request of either the Clerk of the County Court or the Sheriff of the county, shall enter an appropriate order authorizing the participation in the system, said order to be duly recorded in the records of the Fiscal Court. Provided, however, anything in this Act to the contrary, notwithstanding, the Fiscal Court shall not be liable for “normal contribution” or “prior service liability contribution” with reference to the County Court Clerk and his employees and deputies and the Sheriff and his employees and deputies, and further that the “normal contribution” and “prior service liability contribution” shall be considered office expenditures and shall be paid by the County Court Clerk and by the Sheriff respectively.”

Adopted by voice vote.

Senator Francis moved that Committee Amendment No. 2 to **SB 270** be adopted.

Amend printed copy of **SB 270** on page 4, section 1, line 78 by deleting the figure "1959" and inserting in lieu thereof the figure "1960"

Adopted by voice vote.

Senator Francis moved that Committee Amendment No. 3 to **SB 270** be adopted.

Amend printed copy of **SB 270** on page 5, section 3, lines 7, 8 and 9 by deleting the words "July 1 coinciding with or next following the proper entering and signing of the order authorizing participation" and inserting in lieu thereof the words "July 1st of any year following the effective date of this Act."

Adopted by voice vote.

Senator Francis moved that Committee Amendment No. 4 to **SB 270** be adopted.

Amend printed copy of **SB 270** on page 5, section 5, line 18 by deleting the word "which" and inserting in lieu thereof the word "with"

Adopted by voice vote.

Senator Francis moved that Committee Amendment No. 5 to **SB 270** be adopted.

Amend printed copy of **SB 270** on page 13, section 16, line 6 by deleting the word "county" and inserting in lieu thereof the word "state"

Adopted by voice vote.

Senator Francis moved that Committee Amendment No. 6 to **SB 270** be adopted.

Amend printed copy of **SB 270** on page 13, section 16, line 7 by deleting the word "county" and inserting in lieu thereof the word "state"

Adopted by voice vote.

Senator Francis moved the Previous Question on **SB 270** as amended. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 270 was passed and the title agreed to.

Senator Francis moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Introductions

Senator Ware moved to suspend the Rules for the purpose of introducing a bill. Agreed.

SB 335, by Senator Ware: AN ACT changing the classification of the City of Erlanger in Kenton County.

Orders of the Day

HB 133 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved that the Committee Substitute for **HB 133** be adopted.

Committee Substitute for **HB 133**: AN ACT relating to trial commissioners appointed by county court, and declaring an emergency to exist.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 25.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county judge of each county may appoint one or more trial commissioners who shall hold office at the pleasure of the judge and shall discharge such judicial duties of judge of the county court and the judge of the quarterly court as may be assigned to him by the county judge. The commissioner shall report his actions to the judge for the approval or disapproval of the judge.

(2) The appointments shall be subject to the approval of the fiscal court, and the fiscal court shall not approve the appointment of more than one commissioner for each 30,000 people, or fractional part thereof, in the county. Except in counties containing a city of the first class, the fiscal court shall not approve the appointment of more than three trial commissioners.

(3) The commissioner shall possess the qualifications of a judge of the county court, except that in counties containing a city of the first or second class, he shall be a licensed attorney. He shall receive a salary to be fixed by the fiscal court which shall not exceed the compensation of the county judge. The salary of the commissioner shall be paid in the same way the county judge is paid.

Section 2. Whereas the lack of criminal jurisdiction in the justice's courts of the Commonwealth has increased the criminal dockets in county courts and quarterly courts, creating a need for trial commissioners, an emergency is declared to exist and this Act shall take effect upon its approval by the Governor.

Adopted by voice vote.

Senator Greene moved the Previous Question on **HB 133** by way of Committee Substitute. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

HB 133 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Motions

Senator Kidwell moved to suspend the Rules for the purpose of making a motion. Agreed.

Senator Kidwell moved that Senator Kelly represent the members of the Kentucky Senate in attending the funeral of Mrs. Addison L. Everett, wife of the Majority Floor Leader of the House of Representatives. Agreed.

Orders of the Day

SR 51 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SR 51**.

On roll call, the vote was: Yeas, 33—Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner; Nays, 0.

SR 51 was passed and the title agreed to.

Senator Bassett moved that the vote by which said resolution was passed be reconsidered and said motion be laid on the table. Agreed.

SR 52 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SR 52**. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

SR 52 was passed and the title agreed to.

Senator Bassett moved that the vote by which said resolution was passed be reconsidered and said motion be laid on the table. Agreed.

HR 84 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that **HR 84** be adopted by voice vote. Agreed, and said resolution so adopted.

HR 85 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Lucas moved that **HR 85** be adopted by voice vote. Agreed, and said resolution so adopted.

HR 87 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Howard moved that **HR 87** be adopted by voice vote. Agreed, and said resolution so adopted.

Introductions

Senator Fields moved to suspend the Rules for the purpose of introducing bills. Agreed.

SB 336, by Senators Warinner, Van Hoose, Johnson, Howell, Robinson: AN ACT relating to rural highways.

SB 337, by Senator Fields: AN ACT relating to bail bonds.

House Message

Announcing passage of **HB 475, HB 309, HB 377, HB 326, HB 310, HB 303, HB 241, HB 129, HB 73, HR 109, SB 200**. Ordered that said bills and resolution be referred.

Orders of the Day

HR 91 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that **HR 91** be adopted by voice vote. Agreed, and said resolution so adopted.

HR 81 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that **HR 81** be adopted by voice vote. Agreed, and said resolution so adopted.

SB 300 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Clay moved the Previous Question on **SB 300**. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

SB 300 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 280 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 280**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Reuscher, Van Hoose, Ware, Warinner, Willis; Nays, 1—Overbey.

SB 280 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 250 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 250**. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Warinner, Willis, Young; Nays, 0.

HB 250 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Recess

Senator Warinner moved that the Senate recess for fifteen

minutes. Agreed. At the appointed hour, the President of the Senate called the Senate to order.

SB 146 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Young moved the adoption of the Committee Amendment to **SB 146**.

Amend printed copy of **SB 146** on page 1, line 3, by striking lines 3, 4 and 5 and substituting in lieu thereof the following:

Public offices in counties containing a city of any class may close any one work day of any week.

Adopted by voice vote.

Senator Young moved the Previous Question on **SB 146** as amended. Agreed.

On roll call, the vote was: Yeas, 30—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, McCann, Melton, Overbey, Reuscher, Ware, Willis, Young; Nays, 3—Lucas, Miller, Van Hoose.

Senator Young requested that Senator McCann's name be added as a co-sponsor of **SB 146**. Without objection, the Chair so ordered.

SB 146 was passed and the title agreed to.

Senator Young moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 259 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Clay proposed an Amendment to **SB 259**.

Amend printed copy of Senate Bill 259 on page 1, section 1, line 2. Insert word "newspaper," at end of line.

Senator Clay moved the adoption of said amendment. Adopted by voice vote.

Senator Bassett moved the Previous Question on **SB 259** as amended. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Duncan, Fields, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Miller, Overbey, Reuscher, Robinson, Van Hoose, Warinner, Willis, Young; Nays, 4—Clay, Duffy, Francis, Ware.

SB 259 was passed and the title agreed to.

Senator Warinner moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 229 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Howell moved that the Committee Amendment to **SB 229** be adopted.

Amend printed copy of **SB 229** on pages 1 and 2, section 2 (1), line 3 through 11, by deleting said subsection (1) and inserting in lieu thereof the following:

(1) In counties having a population of less than 250,000 each justice of the peace shall be exclusively compensated for the performance of the duties of his office, insofar as they relate to the trial or decision of criminal cases, by a salary not to exceed \$1200.00 per annum for counties having a population of 30,000 or less; \$2400.00 per annum for counties having a population in excess of 30,000 and not exceeding 60,000; \$3600.00 per annum for counties having a population in excess of 60,000 and not exceeding 250,000. The fiscal court of each county is authorized to fix salaries pursuant to the above restrictions. Notwithstanding provisions of KRS 64.530, salaries for incumbent justices of the peace shall be set as soon as may be practical after passage of the Act. Salaries shall be paid, in equal monthly installments, out of the county treasury.

Adopted by voice vote.

Senator Howell moved the Previous Question on **SB 229** as amended. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Robinson, Van Hoose, Warinner, Willis, Young; Nays, 0.

SB 229 was passed and the title agreed to.

Committee Appointments

Senator Bassett moved to suspend the Rules for the purpose of making a motion. Agreed.

Senator Bassett moved that the President appoint a committee of four members to work with the committee from the House on the Return Assembly Ball. The President appointed the following Senators to said committee: Senators Kelly, Hamilton, Fields and Willis.

Introductions

Senator Greene moved to suspend the Rules for the purpose of introducing bills. Agreed.

SB 338, by Senator Greene: AN ACT relating to the registration of voters.

SB 339, by Senator Cornett: AN ACT relating to notaries public.

Motions

Senator Jackson moved to suspend the Rules for the purpose of appointing Honorary Pages in the Senate. Agreed.

Senator Jackson moved that Charlotta Elizabeth Brown and Barbara Brown be made Honorary Pages of the Senate. Agreed.

Senator Kelly moved that Joan Gillispie, Gregory Korambellas, Mary Murphy be made Honorary Pages of the Senate. Agreed.

Senator Van Hoose moved that Stephen Michael Cox and Robert Leslie Mellow be made Honorary Pages of the Senate. Agreed.

Senator Angelis moved that James Cecil and Chris Boardman be made Honorary Pages of the Senate. Agreed.

Senator Duffy moved that Mark Reese be made an Honorary Page of the Senate. Agreed.

Senator Francis moved that Nancy Knight, Lucy Knight, Margaret Hill Woodall, Linda Harris and Antony Mitler be made Honorary Pages of the Senate. Agreed.

Senator Howell moved that Claudia Daniels and Deborah Daniels be made Honorary Pages of the Senate. Agreed.

Senator Hamilton moved that Robert Harrington Patrick, Sharon Patrick, Lynn Marchelle Brauer, Katherine Harvey Saunders, Donnie Arthur and Donnie Buck be made Honorary Pages of the Senate. Agreed.

Senator McCann moved that Connie Coster, Beverly Smith, Lois Johnson, Chickie Hicherson, Brenda Sloan, Linda Raymer, Billie Hunter, Janice Brock, Paulette Culbertson, Barbara Brewer, Larry Orr, Carol Willis, Joann Gadlage, Debbie Delaney, Barbara Yunt, Joanne Schaeffer, Pat McGuffey, Robert Bishop, John Foster, Hugh Peterson, David Matthews, Bill Watkins, Steve Kimbell, Alex Becker, Bob Rapp, Carl J. Hillerich, Ann Orr, N. H. Gadlage, and Nancy Huff be made Honorary Pages of the Senate. Agreed.

Senator Bassett moved adjournment until 1:00 p.m., Wednesday, March 12, 1958. Agreed.

WEDNESDAY, MARCH 12, 1958

FIFTY-SECOND LEGISLATIVE DAY

The Senate was called to order by the President, Lieutenant Governor Harry Lee Waterfield.

Prayer by the Reverend Samuel Blackard of the Episcopal Church of Frankfort.

The roll was called. All members present except Senator Richmond who was granted leave of absence on motion of Senator Bassett.

The reading of the Journal for Tuesday, March 11, 1958, dispensed with and the same approved on motion of Senator Bassett.

House Message

Announcing passage of **HB 139**, **HB 208**, **HB 215**, **HB 216**, **HB 217**, **HB 357**, **HB 447**, **HB 448**, **HB 466**. Ordered that said bills be referred.

Motions

Senator Francis moved to reconsider the tabling of the reconsideration of **SB 270** which was passed on March 11, 1958. Unanimously agreed by voice vote.

Senator Francis moved that the vote by which **SB 270** was passed be reconsidered. Agreed by voice vote.

Senator Francis moved that **SB 270** be recommitted to the Rules Committee. Agreed by voice vote.

Senator Bassett moved to reconsider the tabling of the reconsideration of **HB 133** which was passed on March 11, 1958. Unanimously agreed by voice vote.

Senator Bassett moved to amend the title of **HB 133**.

Amend printed copy of Committee Substitute for **HB 133** on page 1, Title Line by deleting the word "court" and inserting in lieu thereof the word "judges"

Adopted by voice vote.

Senator Howard moved that James Banard Clark, Linda Gail Clater, Gray MacKenney Smith, Franklin Nall, Kathy Ranee Wilmoth, Stephen Stewart, Ricky Stewart, Shirley Ann Lile, Donna Jean McGraw, Judith Ann McGraw, Phillis Carol Blair, Harold Murphy, J. W. Murphy and Lynn Cowan be made Honorary Pages of the Senate. Agreed.

Senator Jackson moved that Cheryl Ward, Bobby Foster, Carolyn Sue Perkins and Vickie Lynn Reynolds be made Honorary Pages of the Senate. Agreed.

Privilege of the Floor

The President introduced Mr. Srivanig of Thailand, who is a student of government at the University of Indiana under the Foreign Student Exchange Program. Mr. Srivanig was granted the privilege of the floor.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 200** had been examined and found correctly enrolled. Said bill read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copy be delivered to the House.

SB 200 delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

Introductions

SR 82, by Senator Bassett: A CONCURRENT RESOLUTION providing for sine die adjournment of the 1958 Regular Session of the General Assembly.

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That when the Senate and the House of Representatives adjourn on March 21, 1958, they do adjourn sine die.

Senator Bassett moved the adoption of said resolution. Adopted by voice vote.

Senator Bassett moved that the vote by which said resolution was passed be reconsidered and said motion be laid on the table. Agreed.

SR 83, by Senator Bassett: A RESOLUTION commending the Stonewall Jackson Memorial, Incorporated, for contributions to the furtherance of education and research through the establishment of memorial scholarships.

SR 84, by Senator Howell: A CONCURRENT RESOLUTION providing for a study by the Legislative Research Commission of public library service in the Commonwealth of Kentucky.

SR 85, by Senator Howell: A CONCURRENT RESOLUTION memorializing Congress to implement the Federal Flood Insurance Act of 1956.

SB 340, by Senator Lucas: AN ACT relating to mental hospitals.

SB 341, by Senator Van Hoose: AN ACT relating to alcoholic beverages.

SB 342, by Senator Bassett: AN ACT relating to fiscal management assistance by the State Government to cities of the fourth, fifth and sixth classes.

SB 343, by Senator Bassett: AN ACT relating to state funds.

SB 344, by Senator Bassett: AN ACT relating to planning and zoning.

SB 345, by Senator Howell: AN ACT relating to flood-plain zoning.

SB 346, by Senator Bassett: AN ACT relating to state retirement.

SB 347, by Senator Howell: AN ACT relating to chauffeurs fees.

SB 348, by Senators Blake and Clay: AN ACT relating to death benefits payable under the Teachers Retirement System.

Report of Committees

The Rules Committee reported **HB 159**, **HB 160**, **HB 313**, **HB 85**, **HB 307**, **SB 327**, **HB 369**, **SB 339**, **SB 334**, **SB 89**, **SB 313**, **SB 338**, **SB 333**, **SB 335**, **SB 294**, **SB 331**, **SB 330**, **SB 336**, **SB 185**, **SB 186**, **SR 15** with Committee Amendment attached thereto, **SR 13** with Committee Amendment attached thereto, **SR 11** with Committee Amendment attached thereto, **HB 129** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 159: AN ACT relating to industrial safety.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 338.020 of the Kentucky Revised Statutes is amended to read as follows:

In the Department of Industrial Relations there shall be a Kentucky Industrial Safety Board consisting of the commissioner, six members representing industry and six members representing labor. The members representing industry and labor shall be appointed by the Governor for terms of three years and until their successors are appointed and qualified, from lists of nominees submitted by bona fide associations representative of industry and labor. Members shall receive no salary but shall be reimbursed for actual expenses incurred in carrying out their duties. The commissioner shall act as chairman of the board.

Section 2. Members holding appointments prior to the effective date of this amendment shall be eligible to serve full terms from the date of their original appointments.

HB 160: AN ACT relating to safety and health of employees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 338.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) As used in KRS 338.020 to 338.140, unless the context requires otherwise:

(a) "Commissioner" means the Commissioner of Industrial Relations; and

(b) "Department" means the Department of Industrial Relations.

(2) As used in KRS 338.020 to 338.060, unless the context requires otherwise:

(a) "Board" means Kentucky Industrial Safety Board;

(b) "Safe" and "safety" means such freedom from danger to the life and safety of employes as the nature and place of employment reasonably permit; and

(c) "Safety devices" and "safeguards" include any reasonable and practicable device which the nature of the employment reasonably permits in protecting the life or safety of the employe.

(3) KRS 338.020 to 338.060 shall not apply to employers and employes subject to the Federal Railway Labor Act, the Federal Safety Appliance Act, the Interstate Commerce Commission, or the Kentucky Public Service Commission, nor to places of employment subject to the jurisdiction of the Department of Mines and Minerals, nor to hospitals or charitable institutions, nor to employes of the United States Government, the government of the Commonwealth or its political subdivisions, nor to farming or work performed in homes and residences.

HB 313: AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 342.122 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to the taxes and assessments imposed by KRS 342.450 and 342.475, a Subsequent Injury Fund Tax at the rate of three-fourths of one per cent of the amount of premiums received shall be paid by every insurance carrier as defined in KRS 342.445, subject to the credits therein set out, and the board shall assess against the payrolls of every employer carrying his own risk a Subsequent Injury Fund Tax computed by taking three-fourths of one per cent of the basic premiums determined as provided in KRS 342.475. The provisions of KRS 342.450, 342.455, 342.460, 342.465 and 342.470 shall, so far as applicable, also apply to the levy and collection of such additional tax of three-fourth of one per cent of such premiums of insurance carriers.

(2) All taxes and assessments imposed by subsection (1) of this section shall be paid into the State Treasury and shall be credited to the Subsequent Injury Fund for the board, which fund shall be used only for the payment of awards of compensation made by the board and chargeable against said fund, expenses of legal representation thereof, fees and expenses of the Medical Committee in connection therewith, and shall be withdrawn for that purpose under the supervision of the Commissioner of Industrial Relations.

(3) Any sum remaining in the Subsequent Injury Fund to the credit of the Workmen's Compensation Board at the end of any fiscal year shall be set up by the Department of Finance to the credit of the board in such fund for the next ensuing fiscal year.

(4) If the amount to the credit of the Subsequent Injury Fund as of June 30 of any year exceeds \$150,000, the tax of three-fourths of one percent upon insurance premiums provided for under subsection (1) of this section and the three-fourths of one percent assessment upon employers carrying their own risk provided for under subsection (1) of this section shall not be assessed or collected during the ensuing year.

Section 2. Section 342.485 of the Kentucky Revised Statutes is amended to read as follows:

If the total net surplus to the credit of the maintenance fund on June 30 of any year exceeds \$300,000 the tax provided for under KRS 342.475 shall not be assessed or collected during the ensuing year, and the tax provided for under KRS 342.450 shall be collected, but paid into the State Treasury to be credited to the General Fund instead of to the maintenance fund provided for in KRS 342.480

HB 85: AN ACT relating to the conduct of regular elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 118.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county board of election commissioners shall constitute a board for examining and canvassing the election returns of each county. Any two of the members of the board may constitute the board, but if either member is a candidate, he shall have no voice in the decision of his own case. If, from any cause, two of the members of the board cannot act, in whole or in part, in examining and canvassing the returns, their places shall be supplied as in the case of vacancies in the board.

(2) The county clerk shall assist the county board of election commissioners, and shall act as its clerk in the counting and certifying of the ballots and the results of the election, for which he shall receive compensation to be allowed by the fiscal court. The board may employ, at county expense, such clerical help as it deems necessary to make the count.

(3) The county board of election commissioners shall meet for the purpose of counting the ballots, issuing certificates and making a report, at 6 p.m. on the day of election, in the office of the county clerk or in some other room designated by the board. The board shall proceed as speedily as practicable to count the ballots of every precinct in the county. At the finish of each precinct, the board shall announce the results at the door of the room where the count is being conducted, and shall fill out the blank in the back of the stub book provided for that purpose, and each commissioner shall sign the blank in the proper place. The board shall remain in session for the purpose of ascertaining the results of the election until midnight on the election day,

and if the count is not then completed, it may then adjourn until the following day at 8 a.m., unless the following day is a Sunday, in which case it shall adjourn until 8 a.m. on the day following the Sunday. If the day following the election is a legal holiday, the board may adjourn until 8 a.m. on the day following the legal holiday. On the adjourned day the board shall remain in session, if necessary to complete the count, until 6 p.m., or longer in its discretion. If the count is not then completed, the board shall reconvene so that the count is completed within a period of not more than one week from the day on which the election was held, and in no event shall the count take longer than one week.

(4) Any person who is a candidate for office at the election may, by oral request, obtain the final results from said board, and if said results are not completed by the board, as provided in Subsection (3), the candidate may by written request to the county or Commonwealth's attorney, or by an attorney of his own choosing, have the said attorney proceed by action against said board members in the circuit court of the district to compel the board to complete the count.

(5) The county clerk shall provide a large sheet upon which to tabulate the vote of the whole county and of each district or city, so that each candidate can ascertain the number of votes cast for him in each precinct and the total number cast for him in the election unit. If any ballots are found mutilated, defaced, marked, spoiled or otherwise questionable so that they are of doubtful integrity, the board shall write on each such ballot whether it has been counted, and if so, for whom, and shall then place them in an envelope to be provided by the county clerk, and seal it.

HB 307: AN ACT relating to County Tax Commissioners and revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Kentucky Revised Statute 132.590 is amended to read as follows:

(1) The compensation of the county tax commissioner shall be computed on the basis of ten cents on each one hundred dollars of the first two million dollars and two cents on each one hundred dollars of the excess of over two million dollars of the annual assessment. However, each county tax commissioner shall receive a minimum monthly payment of two hundred dollars as part or all of his compensation. Should a county tax commissioner for any reason vacate the office in any year during his term of office, any fees accruing to the office as compensation for the county tax commissioner shall be prorated and the commissioner shall be paid only for the calendar days actually served during the year.

(2) In counties in which the assessed value of property exceeds

eight million dollars, the county tax commissioner's office shall be allowed by the state as compensation for deputies, other personnel, and for other authorized expenditures, two cents on each one hundred dollars of the property assessed in excess of eight million dollars; but the total sum allowed to any county tax commissioner's office as compensation for deputies, other personnel, and for other authorized expenditures shall not exceed twenty thousand dollars in any county except in a county having a city of the first or second class which shall be governed by KRS 132.630. The salary of deputies and other personnel shall be fixed by the county tax commissioner and shall be subject to the approval of the Department of Revenue. No state funds available to any county tax commissioner's office as compensation for deputies and other personnel or for other authorized expenditures shall be paid without authorization of the Department of Revenue prior to the employment by the tax commissioner of deputies or other personnel or the incurring of other expenses.

(3) Each county fiscal court shall annually appropriate and pay each fiscal year to the office of the county tax commissioner for deputy and other personnel allowance, supplies, maps and equipment, travel allowance for the tax commissioner and his deputies and other personnel, and other authorized expenses of the office, two hundred dollars for the first million dollars of assessment and one-half of one cent for each hundred dollars of assessment in excess of one million dollars; but the total sum to be paid by the fiscal court to any county tax commissioner's office shall not exceed twenty thousand dollars except in a county having a city of the first class which shall be governed by KRS 132.630. This allowance shall be based on the assessment as of the previous January 1.

(4) Each county tax commissioner shall at the end of each month file a claim with the fiscal court for the salaries of his deputies, other personnel, and other expenses of his office incurred during the month which are reimbursable from county funds. The court shall order payment made provided the total of all claims filed with the court does not exceed the total sum available under this section. During county election years the county tax commissioner shall not be allowed to expend in excess of forty per cent of the allowances available to his office from county funds during the first five months of the fiscal year in which the general election is held.

(5) The county tax commissioner shall not receive for his personal services, incident to any assessment, more than \$7,200 in any calendar year. However, the maximum compensation for any county tax commissioner shall not exceed the highest compensation, including salary and fees, approved by the fiscal court for any county official.

Section 2. Kentucky Revised Statute 132.630 is amended to read as follows:

(1) In counties containing a city of the first class the total

amount allowed from state funds for salaries for the county tax commissioner, his deputies, and other personnel and all other authorized expenses of the office shall not exceed in the aggregate the amount determined under KRS 132.590.

(2) In counties containing a city of the second class the total amount allowed from state funds for salaries for deputies and other personnel and all other authorized expenses of the office shall not exceed forty thousand dollars, except that the Department of Revenue may authorize additional expenditures under KRS 132.600. However, the total amount allowed exclusive of allowances under KRS 132.600 shall not exceed in the aggregate the amount determined under KRS 132.590 or forty thousand dollars, whichever is smaller.

(3) In counties having a city of the first class the total amount allowed from county funds for salaries of deputies and other personnel and other authorized expenditures shall not exceed fifty thousand dollars.

Section 3. A new section of Kentucky Revised Statutes is hereby enacted to read as follows:

Whenever a vacancy occurs in the county tax commissioner's office, the Commissioner of Revenue may designate a person to carry on the duties of the office until such time as some person can be duly qualified and appointed. The person so designated shall be compensated on a prorata basis for the calendar days served from funds made available to the office from the state under KRS 132.590. Such individual shall have all the powers and be subject to all the regulations applying to county tax commissioners. In no event shall the person designated to act as county tax commissioner by the Commissioner of Revenue serve in excess of ninety days unless otherwise qualified and appointed.

This Act shall become effective July 1, 1958.

SB 327: AN ACT relating to speed limit of motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When the speed limit is changed on any street or highway, such change shall become effective only after painting the new speed limit on the highway or street. The new speed limit shall be set out in figures and letters of yellow paint, and of such size as to be easily read by the driver of a motor vehicle.

HB 369: AN ACT relating to game and fish.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.175 of the Kentucky Revised Statutes is amended to read as follows:

The kinds of licenses and tags authorized by this chapter, and the acts authorized to be performed under such licenses and tags, subject to the other provisions of this chapter and subject to regulations adopted under this chapter, are as follows:

(1) A state-wide fishing license, which authorizes the holder thereof to take fish by angling, or take crawfish by a minnow seine, or by hand, to take minnows by the use of a minnow seine, or to take fish by grabbling, gigging, and by noodling or tickling, and to take frogs from any waters in any county of this state open for such purposes and subject to the limitations hereinafter set forth and such additional limitations as the department may from time to time prescribe;

(2) A ten-day fishing license which may be issued only to a non-resident and which authorizes the holder thereof to take fish by angling, grabbling, gigging and noodling or tickling from any of the waters of this state, including the Ohio River, for a period of ten consecutive days, beginning as of a day which shall be stated in the license when issued by the county clerk, and subject to all limitations hereinafter set forth and such further limitations as may be prescribed by regulation of the department from time to time.

(3) A commercial fishing license, which authorizes the holder thereof to perform any act authorized by a fishing license and to take fish from the streams of the state, but not above the last lock and dam up the stream, by the use of twine seines, twine hoop nets, or snag lines, provided that the holder of such license has first obtained a tag for each seine, hoop net and snag line. Such license shall also authorize the holder thereof to sell fish, other than those protected by this chapter, either at wholesale or retail;

(4) An Ohio River fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to take fish from the Ohio River only by any method authorized under a state-wide fishing license;

(5) An Ohio River commercial fishing license, which may be issued only to a citizen of Ohio, Indiana or Illinois, and which authorizes the holder thereof to exercise in the Ohio River only the same privileges that may be exercised under a commercial fishing license, as defined in subsection (3) of this section, provided that the holder of such license has first obtained a tag for each seine, hoop net and snag line;

(6) A seine tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the waters of this state, or from the Ohio River only, as the case may be, one hundred feet of seine or part thereof. A separate tag shall be required for each one hundred feet of seine netting or part thereof.

(7) A hoop net tag, which may be issued only to a person holding a commercial fishing license or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish

from the waters of this state, or from the Ohio River only, as the case may be, one hoop net. A separate tag shall be required for each hoop net;

(8) A snag line tag, which may be issued only to the holder of a commercial fishing license, or an Ohio River commercial fishing license, and which authorizes the holder thereof to use, in taking fish from the waters of this state, or from the Ohio River only, as the case may be, one snag line. A separate tag shall be required for each snag line;

(9) A live bait dealer's license, which may be issued only to a resident of this state and which authorizes the holder thereof to sell live bait to be used in angling;

(10) A musseling license, which authorizes the holder thereof to take mussels for commercial purposes from any shell bed;

(11) A state-wide hunting license, which authorizes the holder thereof to take or pursue wild animals except deer, bear or wild turkey in any open area of this state, with bow and arrow, gun, gun and dog, or dog; and to take wild birds with bow and arrow or with gun; and to participate in a fox hunting party engaged in the hunting or pursuing of foxes with dogs for sport; and to take frogs from any waters open for such purposes, but only in such manner as provided elsewhere in this chapter;

(12) A junior state-wide hunting license, which may be issued only to a resident of this state, before he has reached his or her sixteenth birthday, and which authorizes the holder thereof to exercise all the privileges authorized by a state-wide hunting license;

(13) A trapping license, which authorizes the holder thereof to take wild animals by trapping upon his own lands or upon the lands of another person. (Provided that the holder of such license shall have first obtained a written consent as provided in KRS 150.400 and 150.410);

(14) A taxidermist license, which authorizes the holder thereof to engage in the business of preparing, stuffing and mounting, in life-like form, the skins of wild animals;

(15) A commercial guide's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to receive payment or remuneration of any kind for services rendered as a guide for angling or hunting parties;

(16) A fur buyer's license, which may be issued only to a resident of this state, and which authorizes the holder thereof to buy raw furs from trappers and hunters and to sell raw furs so purchased as to a licensed fur processor;

(17) A fur processor's license, which may be issued only to a resident of this state and which authorizes the holder thereof to buy raw furs from a licensed fur buyer, for the purpose of processing, manufacture or retention in cold storage for resale to another licensed fur processor, to process or manufacture such raw furs, or hold them

in cold storage, to sell such raw furs to or buy the same from another fur processor licensed in this state to sell raw furs to a licensed non-resident fur buyer, or to buy raw furs from a non-resident fur processor licensed in the state of his residence to deal in raw furs;

(18) A non-resident fur buyer's license, which authorizes the holder thereof to buy raw furs from persons legally having the same in their possession in this state and to transport or ship the same out of this state;

(19) Non-resident fishing license which authorizes the holder thereof to perform any act authorized by a resident state-wide fishing license;

(20) Non-resident hunting license which authorizes the holder thereof to perform any act authorized by a resident state-wide hunting license;

(21) A special license to non-residents for the purpose of hunting on licensed private hunting preserves. This license shall cost five dollars per year and is good only for the preserve for which it was issued and shall continue legal only for one year. These licenses shall be issued in ink by the preserve manager, and it becomes his responsibility to see that each hunter is properly licensed before going into the field. When the hunter owns either a non-resident or resident state-wide hunting license for the current year, the special license shall not be required. The commissioner, with the approval of the commission, shall have the authority to establish and regulate private shooting preserves;

(22) A big game permit, which, in combination with a valid state-wide hunting license or a valid junior state-wide hunting license, authorizes the holder thereof to take or pursue deer, bear or wild turkey, in any designated open area of this state, with long bow and arrow or gun, during the open season and according to the provisions of the laws and regulations governing such hunting.

Section 2. Section 150.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner may, with the approval of the commission, adopt the design of all licenses required by this chapter and make all regulations for their issuance. Licenses shall only be issued pursuant to a written application, on a form prescribed by the commissioners, subscribed and sworn to by the applicant and giving the following information: Sufficient general description of the applicant to identify him, his name, place of residence and house number. No person shall make a false statement or any false information in the application.

(2) Except as provided in subsection (3) and (4) of this Section, and in subsection (3) of KRS 150.220, all licenses and tags provided for in this chapter shall be issued by the county clerk. The clerk shall sign the licenses and shall require the person to whom the licenses

are issued to sign their name on the margin. The clerk shall keep a correct and complete copy of all licenses issued in a book to be furnished by the department, which records shall remain in his office and be open to inspection by the public during the regular office hours. No county clerk shall knowingly make a false entry upon a license or upon a license record or report required by this chapter.

(3) Ohio River fishing licenses and Ohio River commercial fishing licenses, and seine netting, hoop net and snag line tags for holders of Ohio River commercial fishing licenses shall be issued by the department directly, or through such person, resident or non-resident, as may be designated by the commissioner as agent for that purpose.

(4) Commercial guide's licenses, fur buyer's licenses (both resident and non-resident) and fur processor's licenses shall be issued directly by the department. Any applicant for a commercial guide's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he is qualified to act as a commercial guide. Any applicant for a fur processor's license shall be required to present proof to the satisfaction of the commissioner, in accordance with such regulations as the commissioner may prescribe with the approval of the commission, that he has sufficient equipment and facilities to engage in the business of processing, manufacture and storage of raw furs.

(5) A live bait dealer's license, both resident and non-resident, shall be issued directly by the department, or through such persons resident or non-resident as may be designated by the commissioner as agent for that purpose.

Section 3. Section 150.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise provided in KRS 150.175 and 150.176 any of the licenses authorized by this Section may be issued either to a resident of this state or to a non-resident, but all licenses issued to non-residents shall bear the word "non-resident" in prominent letters, and fees shall be as respectively provided in this section.

(2) The fees for the licenses provided for in KRS 150.175 shall be as follows:

(a) Fishing licenses	
State-wide fishing license (resident) -----	\$ 2.00
State-wide fishing license (non-resident) -----	5.00
(b) Ten-day fishing license	
Non-resident only -----	2.00
(c) Commercial fishing license	
Resident -----	5.00
Non-resident -----	25.00
(d) Ohio River fishing license (residents	
of Ohio, Indiana and Illinois only) -----	2.00

(e) Ohio River commercial fishing license -----	\$ 5.00
(f) Seine tag for each one hundred feet of seine, netting or part thereof	
Resident -----	2.00
Non-resident (holder of Ohio River commercial fishing license) -----	2.00
Other non-residents -----	4.00
(g) Hoop net tag	
Resident -----	1.00
Non-resident (holder of Ohio River commercial fishing license) -----	1.00
Other non-residents -----	2.00
(h) Snag line tag	
Resident -----	1.00
Non-resident (holder of Ohio River commercial fishing license) -----	1.00
Other non-residents -----	2.00
(i) Live bait dealer's license (resident only) -----	5.00
(j) Musselling License	
Resident -----	10.00
Non-resident -----	30.00
(k) State-wide hunting license	
Resident -----	3.00
Non-resident -----	15.50
(l) Junior state-wide hunting license (resident only) -----	1.00
(m) Trapping license	
Resident -----	3.00
Non-resident -----	15.50
(n) Taxidermist's license (resident only) -----	3.00
(o) Commercial guide's license (resident only) -----	5.00
(p) Fur buyer's license	
Resident -----	5.00
Non-resident -----	75.00
(q) Fur processor's license (resident only) -----	100.00
(r) Special yearly hunting preserve license -----	5.00
(s) Non-resident live bait dealer's license -----	10.00
(t) Big game permit -----	5.00
(u) License to establish private shooting preserve -----	25.00

Section 4. Section 150.450 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Fish and Wildlife Resources shall promulgate reasonable regulations governing seining for minnows and crawfish in the public waters of the Commonwealth. The regulations shall prescribe the length, width, and size of mesh of the seines used,

and shall prescribe the types of minnows and crawfish that may be taken and the purposes for which they may be used.

(2) Any person possessing a commercial fishing license may take rough fish, by the use of seines and nets the type, length, width, mesh size and other specifications of which shall be prescribed by the department by regulation, from the streams and waters of the Commonwealth.

(3) No person shall operate or have in possession any seines or nets or snag lines unless he has procured a commercial fishing license or an Ohio River commercial fishing license and a metal tag for the use or possession of each net or seine, and has complied with the provisions of this chapter. The metal tags shall be affixed to and displayed on the seines or nets or snag lines at all times. This section shall not be construed to require wholesale dealers or manufacturers to obtain licenses and tags for seines and nets in their possession for the purpose of sale outside of the state, or retail dealers, selling legal seines or legal nets.

SB 339: AN ACT relating to notaries public.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 423.010 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State may appoint as many notary publics as he deems necessary, who shall hold office for four years. Any person desiring to be appointed a notary public shall make written application to the Secretary of State. The application shall be approved by the circuit judge, circuit clerk, county judge, county clerk, justice of the peace or a member of the General Assembly of the county of the residence of the applicant. No officer shall charge or accept any fee for approving the application. A notary public must be eighteen years of age, a resident of the county from which he makes his application, of good moral character and capable of discharging the duties imposed upon him by this chapter, and the endorsement of the officer approving the application shall so state. The Secretary of State, in his certificate of appointment to the applicant, must designate the limits within which the notary is to act. Before a notary acts, he must take an oath in the county court of his county that he will honestly and diligently discharge the duties of his office. He must in the same court give an obligation with good security for the proper discharge of the duties of his office. Every certificate of a notary public shall state the date of the expiration of his commission. The Secretary of State shall give to each notary appointed a certificate of his appointment under the seal of the Commonwealth of Kentucky in lieu of a commission heretofore required to be issued to said notary by the

Governor of Kentucky, and receive the same fee for the certificate that he now receives for attesting the commission issued by the Governor.

SB 334: AN ACT relating to chiropractic.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Kentucky State Board of Chiropractic Examiners is abolished, and all its functions, records and other property are transferred to the State Board of Health.

Section 2. Section 312.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Board" means the State Board of Health.

(2) "Chiropractic" means the science of locating and adjusting the subluxations of the articulations of the human spine and its adjacent tissues.

Section 3. The State Board of Health shall adopt reasonable regulations necessary for the administration of KRS Chapter 312, and may adopt other reasonable regulations for the governance of the practice of chiropractic and the protection of the health of the public.

Section 4. Sections 312.090, 312.100, 312.110, 312.120, 312.130 and 312.140 of the Kentucky Revised Statutes are hereby repealed.

SB 89: AN ACT relating to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.656 of the Kentucky Revised Statutes is amended to read as follows:

(1) All statements or descriptions in any application for an insurance policy or in negotiations therefor, by or in behalf of the insured, shall be deemed to be representations and not warranties. Misrepresentations, unless material or fraudulent, shall not prevent a recovery on the policy.

(2) Any agent obtaining the application for a policy of insurance and the doctor who examines the insured, shall be deemed to be the agents of the insurer. If fraud be alleged by either party concerning the obtaining of such application, or writing in the answers given by the insured, or the issuance of a policy of insurance thereon, oral testimony shall be admissible to prove or defeat all such allegations.

SB 313: AN ACT relating to soil conservation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 262.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) A district shall constitute a governmental subdivision of the state and a public body corporate and politic, exercising public power.

(2) The governing body of the district shall consist of a board of five supervisors. On organization of a district, the first two supervisors shall be appointed by the committee as provided in KRS 262.150, and three shall be elected under KRS 262.210 and 262.220. The supervisors shall hold no other city, county or state elective office.

(3) The board may sue and be sued in the name of the district; have a seal, which shall be judicially noticed; have perpetual succession unless terminated as provided in KRS 262.530 to 262.560; make and execute contracts and other instruments necessary or convenient to exercise its powers.

(4) The board may request, and the fiscal court may levy, a tax of not more than two cents per acre, or part thereof, on all lands lying within the boundaries of the county, excluding town lots within the incorporated towns and unincorporated villages of the county. The tax shall be collected in the same manner as other county taxes, and shall be credited to the board. The funds so collected shall be expended by the board for the employment of soil conservation aids, and for other purposes directly associated with the program, including promotional activities, prize moneys, office equipment and supplies, and incidentals deemed necessary.

SB 338: AN ACT relating to the registration of voters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Immediately after the regular election in 1959 and every six years thereafter all registrations of voters shall be invalid, and no person shall be eligible to vote thereafter until he shall have registered again in compliance with the laws governing the registration of voters. In fixing days for holding special elections, after the regular election in 1959 and every six years thereafter, authorities so empowered shall select days late enough to permit representative registration.

(2) Registration records made invalid by this section shall be removed from the files and kept separate from new registration records and shall not be used in any way by any person in making new registrations. Thirty days after the general election after which they become invalid, all such registrations and records shall be destroyed by the county clerk by burning in the presence of the County Board of Election Commissioners except where a contest proceeding has been instituted in which case the records subject to the contest proceeding shall not be destroyed until the contest is settled or until all contest rights granted the contestee by law have been exhausted, after which they shall be destroyed in the manner prescribed above.

Section 2. (1) On the day of the regular election in 1959 and

every six years thereafter the registration book shall be open to new registrations at the same hours that the polls are open for voting. Each poll shall constitute a branch registration office and applicants may register at the branch office when they vote. The county clerk shall provide the necessary equipment and supplies and employ the necessary assistants to service each branch office. No person except the county court clerk shall serve as both an election official and a registration official at this day.

(2) For this day only the limitations as to branch offices and registration books in KRS 117.620 shall not apply, but at all other times the registration of voters shall proceed as prescribed in the other provisions governing registration of votes. Registration books are open on this day only for registration for future elections and persons not registered before this day shall not be allowed to vote at the election held on this day nor to register for voting on this day.

SB 333: AN ACT relating to hospital service plans.

WHEREAS it is the public policy of this state that, because a patient risks his life when he submits himself to hospitalization, every person should be free from unreasonable restraints in his choice of hospitals, and

WHEREAS it appears to the General Assembly that when any person is a beneficiary of any hospital service plan (whether financed entirely by said beneficiary, or partly by the beneficiary and partly by his employer, or entirely by his employer, or otherwise):

(a) He should not be required, as a condition to the receipt of hospitalization benefits under said plan, to waive his right to select the hospital and to submit to hospitalization in a hospital selected by said plan or by any person other than himself, and

(b) Such a requirement or condition constitutes an unreasonable restraint upon such person's right to choose the hospital in which he is to be confined,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context demands otherwise:

(1) The term "hospital service plan" means any plan or arrangement whereby one person provides or defrays any part of the cost of hospital service to any other person.

(2) The term "hospital service" means any lawful service provided by a hospital.

(3) The term "person" means any natural person or persons, or

any partnership, association, corporation, co-operative, trust, other legal entity, or any officer, agent, or instrumentality of any of the foregoing.

(4) The term "beneficiary" means any person who in any manner receives or is entitled to receive hospital service, or any part of the cost thereof, under any hospital service plan in this state.

(5) The term "hospital," for the purposes of this Act only, means any hospital licensed by the State Board of Health.

Section 2. No person operating a hospital service plan in this state shall demand or require, as a condition precedent to the receipt of such hospital service or any part of the cost thereof, that any beneficiary waive or otherwise surrender his right to select the hospital which shall provide a hospital service for him or any member of his family. Every person operating a hospital service plan in this state shall afford to every beneficiary thereof, the right to select the hospital which shall provide such hospital service.

Section 3. Every contract, agreement, or other arrangement the effect of which would deny any beneficiary under any hospital service plan in this state his right to choose the hospital which will provide a hospital service for him or any member of his family, or impose as a condition to the receipt of said service or any part of the cost thereof that said beneficiary waive his said right, is hereby declared to be contrary to public policy and wholly void.

Section 4. Nothing contained in this Act shall prevent any person operating a hospital service plan in this state from specifying the services to be provided by the plan, or from prescribing the fee which such plan will pay for a specific hospital service. Provided, however, that no such person shall discriminate between licensed hospitals having substantially equivalent facilities, in payments made for like or substantially similar services.

Section 5. Nothing contained in this Act shall prevent any employer from providing the services of a nurse for first aid treatment at such employer's factory or other place of business, or require him to pay the value of the services of such nurse to any employee who elects not to avail himself of such services.

Section 6. Every person found guilty of violating Section 2 of this Act or of conspiring to do so, or of aiding or abetting another to do so, shall be fined not less than \$100 nor more than \$1,000, or confined in the county jail for not less than 30 days nor more than 180 days, or both.

Section 7. Any person operating a hospital service plan in violation of this Act and any person aiding or abetting any such person in the violation of this Act may be enjoined from doing so by any court of competent jurisdiction in this state, upon the complaint of any beneficiary of such plan, or the Commonwealth.

Section 8. If any person convicted of violation of this Act is an officer or agent of a licensed hospital in this State, and the proof shows that such officer's or agent's acts were committed with the knowledge and consent, express or implied, of such hospital's governing body, such conviction shall be sufficient grounds for the revocation of said hospital's license.

Section 9. Every beneficiary of a hospital service plan in this state shall be entitled, upon demand, to receive the hospital service or benefit provided by such plan, free of any unlawful restraint or limitation upon his right to select the hospital which shall provide such service. If any person operating or administering a hospital service plan in this state shall, fifteen days or more after proper demand has been made upon him, fail or refuse to provide such service or pay over such benefit to any beneficiary, except upon some condition declared unlawful by this Act, such beneficiary shall have a cause of action against the plan and the person operating or administering the same for damages in a sum equal to twice the value of the service or benefit to which he was entitled.

Section 10. Every person operating a hospital service plan in this state shall, on or before June 30 of each year, file with the Secretary of State, a designation of a process agent having an office in this state and upon whom service of process may be had by anyone having a claim against said plan. The Secretary of State shall be entitled to a fee of \$3.00 for filing this designation. Failure to file said designation shall constitute a misdemeanor and shall be punishable by a fine of not less than \$10 or more than \$1,000 for each day the violation continues, at the discretion of the court.

Section 11. Nothing contained in this Act shall affect any hospital service plan operated by the Commonwealth, the United States, or any other governmental agency.

SB 335: AN ACT changing the classification of the City of Erlanger in Kenton County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of Erlanger in Kenton County is such as to justify its being classified as a city of the third class,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Erlanger, in Kenton County, is transferred from the fourth to the third class of cities.

SB 294: AN ACT relating to a criminal bond pending consideration of probation application.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 75 of the Code of Practice in Criminal Cases is amended to read as follows:

In all cases, in the circuit court, when the defendant shall have been convicted of a felony, except in cases where the jury has inflicted the death penalty or life imprisonment; and except cases where the defendant has been convicted of robbery or burglary, or having in possession burglarious tools, as denounced and punished by KRS 433.120; and except convictions for robbery of bank, or safe, as denounced by KRS 433.130; and except convictions for assault with intent to rob, as denounced by KRS 433.150; and except convictions for kidnapping and holding a person for ransom, as denounced by KRS 435.140; and except convictions for voluntary manslaughter where the punishment exceeds confinement in the penitentiary for five years, he shall be permitted to execute bond pending his appeal to the Court of Appeals.

The substance of such bond shall be that he will render himself amenable to the orders and process of the courts, and if his case is affirmed he will surrender himself to the sheriff of the county of his conviction within thirty days after the affirmance has become final, to be taken by such sheriff to prison as provided in the judgment of conviction or if his case shall be reversed, he will appear in the next term of the circuit court in which he was convicted, which does not begin within less than ten days of the reversal of the judgment of the circuit court, again to answer said charge.

The bond shall be for a penal sum sufficient to secure the defendant's appearance or his surrender to the court in execution of the judgment if it should be affirmed, and it may be executed before the circuit court or the trial judge at any time before the record is filed in the Court of Appeals, and after that time it may be executed before the Clerk of the Court of Appeals, and in all cases where a bond is allowable hereunder it shall be the duty of the trial judge to fix the sum for which it may be given by an order made a part of the judgment, and which amount so fixed shall govern the authority taking the bond as herein provided for. In either case the bond may be adjudged to be forfeited by order of the circuit court for non-compliance with its terms by the defendant.

In all cases, in the circuit court, when the defendant shall have been convicted of a felony, except as provided above, the defendant, at the court's discretion, shall be permitted to execute bond pending the circuit court's action on his application for probation.

The substance of such bond shall be that he will render himself amenable to the orders and process of the courts, and if probation is denied he will surrender himself immediately to the sheriff of the county of his conviction upon learning of the denial of motion for probation.

The bond shall be for a penal sum sufficient to secure the defendant's appearance or his surrender to the sheriff in execution of the court's judgment if motion for probation is denied, and it may be executed before the circuit court or the trial judge, and in all cases where a bond is allowable hereunder it shall be the duty of the trial judge to fix the sum for which it may be given by an order made a part of the judgment, and which amount so fixed shall govern the authority taking the bond as herein provided for. The bond may be adjudged to be forfeited by order of the circuit court for non-compliance with its terms by defendant.

SB 331: AN ACT relating to the bee industry in Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section is added to Chapter 252 of the Kentucky Revised Statutes to read as follows:

The Department of Agriculture, Labor and Statistics shall aid, foster and promote the development of the bee industry within the Commonwealth by conducting programs to combat bee diseases, gathering and publishing current statistics concerning the industry and conducting marketing service programs to demonstrate bee keeping practices.

Section 2. For the purposes of this Act there is hereby appropriated out of the General Fund to the Department of Agriculture, Labor and Statistics the sum of \$15,000 for each of the fiscal years 1958-1959 and 1959-1960. Of the appropriation for each fiscal year, the sum of \$14,000 shall be available to defray the expense of the state apiarist and his deputies in conducting promotional and service programs relating to the bee industry. The remainder shall be used for expenses incurred in publishing reports and other necessary publications.

SB 330: AN ACT imposing liability for injuries caused due to the sale of alcoholic beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Any person who shall suffer injury, either to his person or property, due to the actions of an intoxicated person or in consequence of the intoxication shall have a right of action in his own name against any person or persons who by selling or giving alcoholic beverages contributed to the intoxication, in whole or in part.

(2) Any person owning, renting, leasing or permitting the occupation of any building or premises, and having knowledge that alco-

holic beverages are to be sold therein, or who having leased the same for other purposes, shall knowingly permit therein the sale of alcoholic beverages that cause, in whole or in part, the intoxication of any person, shall be liable, jointly and severally, with the person or persons selling or giving the alcoholic beverages, for any injury, either to person or property, caused by the intoxicated person or in consequence of the intoxication.

(3) The unlawful sale, or giving away of alcoholic beverages shall work a forfeiture of all rights of the lessee or tenant, under any lease or contract of rent upon the premises where such unlawful sale or giving away took place.

(4) Any person whose means of support are diminished or done away with due to an injury caused by an intoxicated person or in consequence of such intoxication, shall have a right of action in his or her own name, against any person or persons who by selling or giving alcoholic beverages contributes to the intoxication, in whole or in part, and against any person owning, renting, leasing or permitting the occupation of any building or premises, and having knowledge that alcoholic beverages are to be sold therein, or who having leased the same for other purposes, shall knowingly permit therein the sale of alcoholic beverages that cause, in whole or in part, the intoxication of the person causing the injury.

(5) Any insurer who has paid a claim, arising out of a judgment or compromise settlement, against any person insured by insurer who caused an injury or damages to a person while intoxicated shall be subrogated to the rights of the injured or damaged party against any person selling or giving alcoholic beverages to the party who caused the injury or damages, or against any person who permitted any building or premises owned, managed or controlled by him to be used, in whole or in part, for the sale of alcoholic beverages, and the party who caused the injury or damages secured intoxicating beverages there.

(6) All suits for damages under this Act may be brought in any of the courts of this state having appropriate jurisdiction, and recovery under this Act for injury to person or property of any person, or for loss of means of support, shall not exceed \$50,000 for each claimant, provided that every action hereunder shall be commenced within five years next after the cause of action accrued.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The real estate and personal property, except such property as may be exempt from levy and sale upon judgment and execution, of any person against whom judgment has been rendered for committing any offense specified in Section 1 of this Act shall be subject to a lien for the amount of the judgment until the judgment is paid.

(2) If the owner of a building or premises shall rent or lease to another the building or premises to be used or occupied, in whole or in

part, for the sale of alcoholic beverages or shall knowingly permit the same to be used or occupied for the sale of alcoholic beverages, such building or premises so used or occupied may be sold to pay any judgment against any person occupying such building or premises.

(3) If any building or premises are owned by a minor or other person under guardianship, and the guardian or conservator permits the building or premises to be used or occupied, in whole or in part, for the sale of alcoholic beverages, then the guardian or conservator of such minor or other person under guardianship shall be subject to the provisions of this Act instead of the ward, and his property shall be subject to the provisions of this section of the Act relating to the collection of any judgment.

(4) Any transfer of property by any person who may be liable for selling or giving away alcoholic beverages, or for permitting buildings or premises which he owns, manages or controls to be used for the purpose of selling alcoholic beverages shall be deemed fraudulent and the conveyance or transfer set aside, if it is shown that the conveyance or transfer was made for the purpose of preventing execution on any judgment which might be rendered pursuant to this Act.

SB 336: AN ACT relating to rural highways.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

There is hereby appropriated from the State Road Fund for the construction, reconstruction, improvement and maintenance of country roads and bridges the sum of two million five hundred thousand dollars, which amount shall be in addition to any and all other sums appropriated for such purpose.

Section 2. The Department of Highways shall allocate the sum appropriated by Section 1 of this Act for the construction, reconstruction, improvement and maintenance of county roads and bridges as follows:

(1) One-fourth of the sum appropriated shall be apportioned equally between the one hundred and twenty counties.

(2) One-fourth of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the rural population of each county bears to the total rural population of the state. Rural population, as used herein, means the population outside cities and towns having a population of five thousand or more as shown by the most recent decennial census of the United States Bureau of the Census.

(3) One-fourth of the sum allocated shall be apportioned among the several counties on the basis of the ratio which the square mile area of the county bears to the total square mile area of the state.

(4) One-fourth of the sum allocated shall be apportioned among the several counties on the basis of need and ability to provide necessary funds.

The Department of Highways at the close of each quarter of the current fiscal year, or as soon thereafter as practicable, shall furnish to the fiscal courts of the several counties a statement showing the total amount of all disbursements, the unliquidated and unencumbered balances of the funds allocated to the respective counties for that fiscal year.

Section 3. The funds apportioned the several counties under the provisions of this Act shall be expended by the Department of Highways in accordance with the provisions of KRS 179.420 and 179.430.

SB 185: AN ACT relating to public school personnel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.770 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon written request of a teacher or superintendent a board of education may grant a leave of absence for a period of not more than two consecutive school years for educational or professional purposes, and shall grant such leave where illness, maternity, or other disability is the reason for the request. Upon subsequent request, such leave may be renewed by the board. Without request, a board of education may grant similar leave of absence and renewals thereof to any teacher or superintendent because of physical or mental disability, but such teacher or superintendent shall have the right to a hearing on such unrequested leave of absence or its renewal in accordance with the provisions for hearing an appeal in KRS 161.790. Upon the return to service of a teacher or superintendent at the expiration of a leave of absence, he shall resume the contract status that he held prior to such leave.

(2) A superintendent who takes leave for the purpose of taking a higher educational degree shall not be paid for the time spent on leave. The board shall pay the person who replaces the superintendent at the same rate the superintendent was paid.

(3) Any superintendent who receives pay while on leave shall have his certificate revoked, and any board member who authorizes such pay shall vacate his office.

(4) A superintendent shall be allowed two weeks vacation with pay each year. Vacation time shall be non-cumulative.

SB 186: AN ACT relating to teachers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any teacher who performs overtime service in extra-curricular activities in the common school system shall be paid for such service at the same rate of pay per hour as that received in regular school hours.

SR 15: A JOINT RESOLUTION directing the Legislative Research Commission to study the curricula of the public schools and institutions of higher learning of the Commonwealth relative to science studies.

WHEREAS, it appears that the United States of America is failing to produce scientists in numbers sufficient to the needs of the nation;

WHEREAS, it appears that this situation has resulted in part from a deficiency in the curricula of our public schools and institutions of higher learning with respect to the number and quality of scientific courses offered; and

WHEREAS, it appears that the survival of the Commonwealth and the nation may well depend upon the education of greater numbers of men and women well schooled in all the fields of science;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is hereby authorized and directed to make a study of the present curricula of our public schools and institutions of higher learning with respect to the opportunities for the study of the sciences which said public schools and institutions of higher learning offer.

Section 2. That the findings of the Legislative Research Commission be made the subject of a report to the General Assembly of the Commonwealth of Kentucky, such report to be submitted not later than the 1960 regular session.

Section 3. The sum of \$20,000 is appropriated to the Legislative Research Commission out of the General Fund for the purposes of this resolution. This sum shall not lapse at the end of the 1958-1959 fiscal year but shall be carried over into the 1959-1960 fiscal year.

SR 13: A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study of the advisability of including kindergarten age children as a component of the public school system.

WHEREAS, it appears of vital importance to the welfare of the Commonwealth and the nation that our younger citizens be afforded increasingly better educational opportunities;

WHEREAS, it appears that this can be at least partially accomplished by increasing the period during which very young infants are learning the fundamentals upon which their latter mastery of difficult fields are based; and

WHEREAS, it is a matter of general knowledge that the very young are endowed by their creator with very great powers of learning;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is hereby authorized and directed to make a study of the advisability and practicability of admitting children of kindergarten age to the public schools as a separate component thereof and including in the curricula of such public schools studies and activities designed to stimulate and promote the educational growth of such children.

Section 2. That the Legislative Research Commission shall make its findings and recommendations the subject of a report to be submitted to the General Assembly not later than the 1960 regular session.

Section 3. The sum of \$20,000 is appropriated to the Legislative Research Commission out of the General Fund for the purposes of making this study.

SR 11: A JOINT RESOLUTION directing the Legislative Research Commission to study education methods relative to exceptional children and the field of science.

WHEREAS, it appears that the best interest of the people of this Commonwealth and the nation demand that some method of education be devised whereby the full and early benefits of the abilities of exceptional children can be realized especially in the physical sciences;

WHEREAS, it appears quite possible that such a method, if successful, would increase the benefits to be derived by the Commonwealth and the nation from the abilities of average and even less than average children; and

WHEREAS, it appears that the present system of education does not include an organized coordinated program designed to provide the citizenry with the early and maximum benefits of the abilities of exceptional children and thus delay and makes of less value the benefits to be derived from the abilities of average and less than average children;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is authorized and directed to make a study of methods of education whereby the benefits of the abilities of exceptional children can be made avail-

able to our society to the fullest and at the earliest possible time, with especial emphasis on the relationships of such abilities to the field of science.

Section 2. That the results of the study, including findings and recommendations, be made the subject of a report to be submitted to the General Assembly not later than the 1960 regular session.

Section 3. That the sum of \$20,000 is appropriated out of the General Fund to the Legislative Research Commission for the purposes of this resolution.

HB 129: AN ACT proposing an amendment to Section 99 of the Constitution of Kentucky relative to sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 99 of the Constitution of the Commonwealth of Kentucky be amended in so far as it relates to sheriffs' succession in office and when so amended said section shall read as follows:

There shall be elected in nineteen hundred and sixty-one in each county a Judge of the County Court, a County Court Clerk, a County Attorney, Sheriff, Jailer, Coroner, Surveyor, and Assessor, and in each Justice's District one Justice of the Peace and one Constable, who shall enter upon the discharge of the duties of their offices on the first Monday in January after their election, and every four years thereafter, there shall be an election in each county of the officers mentioned, who shall hold their offices four years (from the first Monday in January after their election), and until the election and qualification of their successors.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

Calendar

SB 319, SB 320, SB 321, SB 322, SB 323, SB 329, SB 326, SB 314, HB 306, HB 311, HB 109, HB 32, SB 296, SR 75, SB 260, SB 317, HB 153, SB 196, SB 230, SR 79, SB 316, SB 2, HB 470, SB 325, HB 79 were taken from the Calendar and ordered read at length for the second time. Senator Young moved that they be read by title only. Agreed by a majority of the members elected. Ordered placed in the Orders of the Day.

Recess

Senator Young moved that the Senate recess for fifteen minutes. Agreed. At the appointed hour, the President of the Senate called the Senate to order.

Report of Committees

Senator Bassett moved to suspend the Rules for the purpose of making a committee report. Agreed.

The Rules Committee reported **SB 343** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 343: AN ACT relating to state funds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 41.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Not less than three solvent banks shall be designated as depositories for state funds. Each bank designated shall have not less than the minimum capital stock as required in paragraphs (2) and (3) of KRS 287.070. The State Investment Commission is vested with the exclusive authority to designate depositories for state funds. Those designated shall be entered in the executive journal. If at any time it appears that the capital of any depository has become impaired, the state's deposits shall be withdrawn and another depository named.

(2) The State Investment Commission shall determine the need for moving state funds from one designated depository to another.

Section 2. Section 41.260 of the Kentucky Revised Statutes is amended to read as follows:

Whenever the State Investment Commission determines that a deposit of public money is to be transferred from one state depository bank to another, the Treasurer shall cause to be prepared and transmitted to the Department of Finance a voucher describing the proposed transfer and the pay-in vouchers for the deposit of the money to be so transferred. On receipt of these documents the Department of Finance shall register the proposed transfer in a book to be maintained for this purpose and issue its warrant for the amounts specified. The Department of Finance shall fill in on the warrant the bank at which it is payable, and shall transmit the warrant accompanied by all copies of the pay-in vouchers to the Treasurer. When the transfers have been completed the Treasurer shall immediately transmit receipted copies of the pay-in vouchers to the Department of Finance.

Section 3. Section 41.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a State Investment Commission composed of the Governor, the Commissioner of Banking, and the State Treasurer. The commission shall have authority to and may invest any and all surplus funds of the state in direct obligations of the United States Government, or of the Commonwealth of Kentucky. All such invest-

ments shall be obligations that will mature within five years from the date of investment.

(2) The commission shall also have authority and may, whenever in its opinion the cash in the State Treasury is in excess of the amount required to meet current expenditures, invest any and all of said excess cash in United States Treasury bills or certificates of indebtedness or any other United States Government security which will mature within one year from the date of investment.

(3) Interest earned from investments made pursuant to this Section shall accrue to the Credit of the General Expenditure Fund, except that interest from investments of excess cash in the Road Fund shall be credited to the Road Fund and interest earned from the investment of funds accumulated solely by means of contributions and gifts shall not be diverted to any purpose other than that stipulated by the donor, when such donor shall have designated the use to which such interest shall be placed.

(4) The authority granted by this Section to the State Investment Commission shall not extend to any funds that are specifically provided by law to be invested by some other officer or agency of the state government.

Orders of the Day

HB 149 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Cornett moved the Previous Question on **HB 149**. Agreed.

On roll call, the vote was: Yeas, 31—Angelis, Bassett, Blake, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Reuscher, Robinson, Van Hoose, Ware, Warinner, Young; Nays, 0.

Senator Bassett moved to amend the title of **HB 149**.

Amend title of **HB 149** to read as follows:

AN ACT relating to election expenses and to be known as the Buchanan - Cornett - Clay Bill.

Agreed by voice vote.

HB 149 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SR 14 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that the Committee Amendment to **SR 14** be adopted.

Amend printed copy of **SR 14** on page 2, section 3, lines 1-5 by deleting Section 3 in its entirety.

Adopted by voice vote.

Senator Bassett moved the Previous Question on **SR 14** as amended. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Ware, Warinner; Nays, 0.

SR 14 was passed and the title agreed to.

SR 34 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Miller moved that **SR 34** be adopted by voice vote. Agreed, and said resolution so adopted.

SR 43 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Van Hoose proposed an Amendment to **SR 43**.

Amend original bill so the word "as" in the last line will be deleted and substitute the letter "a" therefore.

Senator Van Hoose moved the adoption of said amendment. Adopted by voice vote.

Senator Warinner moved the Previous Question on **SR 43** as amended. Agreed.

On roll call, the vote was: Yeas, 29—Anggelis, Bassett, Blake, Blue, Bonn, Byers, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Greene, Hamilton, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Reuscher, Robinson, Van Hoose, Ware, Warinner; Nays, 2—Clay, Hickerson.

Senator Van Hoose moved to amend the title of **SR 43**.

The title shall read:

"A JOINT RESOLUTION designating Joseph Williams Wells a Poet Laureate of Kentucky".

Adopted by voice vote.

SR 43 was passed and the title agreed to.

SR 58 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Warinner moved that **SR 58** be adopted by voice vote. Agreed, and said resolution so adopted.

SR 63 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Warinner moved that **SR 63** be adopted by voice vote. Agreed, and said resolution so adopted.

HB 340 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 340**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Young; Nays, 0.

HB 340 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Motions

Senator Warinner moved to suspend the Rules for the purpose of making a motion. Agreed.

Senator Warinner moved that the works of Joseph William Wells, which includes the books of the following titles: "Lessons in Verse", "The Big Wells Family", "History of Cumberland", be presented to the State Library as a gift. Agreed.

Orders of the Day

HB 202 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Francis moved the Previous Question on **HB 202**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Dun-

can, Fields, Francis, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

HB 202 was passed and the title agreed to.

SB 145 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Duffy moved the Previous Question on **SB 145**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 145 was passed and the title agreed to.

Senator Duffy moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 194 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Anggelis moved the Previous Question on **SB 194**. Agreed.

On roll call, the vote was: Yeas, 30—Anggelis, Bassett, Blake, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Reuscher, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 194 was passed and the title agreed to.

SB 93 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Johnson moved the Previous Question on **SB 93**. Agreed.

On roll call, the vote was: Yeas, 30—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Reuscher, Van Hoose, Ware, Warinner, Young; Nays, 0.

SB 93 was passed and the title agreed to.

SB 95 was taken from the Orders of the Day on recommendation

of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Johnson moved the Previous Question on **SB 95**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 95 was passed and the title agreed to.

Senator McCann moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 96 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Johnson moved the Previous Question on **SB 96**. Agreed.

On roll call, the vote was: Yeas, 13—Anggelis, Bassett, Blake, Clay, Cornett, C. H. Davis, Greene, Hamilton, Howard, Jackson, Johnson, Lucas, Overbey; Nays, 18—Blue, Bonn, Mrs. J. Harry Davis, Duffy, Francis, Freeman, Hickerson, Kidwell, Knuckles, McCann, Melton, Miller, Reuscher, Van Hoose, Ware, Warinner, Willis, Young.

SB 96 did not pass.

Senator Blue moved that the vote by which said bill failed to pass be reconsidered and said motion be laid on the table.

Senator Bassett moved adjournment until 1:00 p.m., Thursday, March 13, 1958. Agreed.

THURSDAY, MARCH 13, 1958

FIFTY-THIRD LEGISLATIVE DAY

The Senate was called to order by the President, Lieutenant Governor Harry Lee Waterfield.

Prayer by the Reverend Samuel Blackard of the Episcopal Church of Frankfort.

The roll was called. All members present.

The reading of the Journal for Wednesday, March 12, 1958, dispensed with and the same approved on motion of Senator McCann.

Motions

Senator Ware moved that Jimmy Daly, Mary Stapleton, Mildred Stapleton, Charles Ross Agee, Randa Yelton, Gene Allen Crank, Gary Leigh Hoffman, Dianne Miller, Marsha Groger, Beth Hughes, Jerome Schomaker, Michael Dauwe, Edward Clark Ruh, Sandy Miller, Andrew Charles Higgins, John D. Redden, Mary Jo Menkhaus, Danese Jo Inloes, Mary Alice Kuper, Mary Louise Badgett, Cheryl Ann Wood, Jane Clemons, Shelia Tucker, Judy Ann Ellison, Ronald Akins, Ronald Alan Reder, John Hammond, Wayne Dean, James Melbourn Brumer, George Asher, Daniel Baker, Albert Gibson, James L. Schneider, Steve Walton, Billy Dawson, George Allen, Bear Reis, Susan Macke, Sidney Brant, Richard Banta, George Hawes be made Honorary Pages of the Senate. Agreed.

Senator Warinner moved that Dewey Aaron, Sue Aaron, Linda Leverage, John Ed Smith, Linda Aaron, Ralph Aaron be made Honorary Pages of the Senate. Agreed.

Senator Hamilton moved that Kenneth Lucas Stout, Susan Stout, Mary Keenan Harrod, Keith White, Woodford Fields, Polly Ann Harrod, Mary Annabelle Flynn, James Thomas Flynn, Henry Orlando Flynn, John Kirby Flynn, Thelma Margaret Flynn, Virginia Rodman Simcox, Merritt Stites Finnell, Michael Duval Finnell, Robert Jackson Harris, Richard Victor Harris, Gary Joe Robinson, and Jacky Wright be made Honorary Pages of the Senate. Agreed.

Senator C. H. Davis moved that Charles Robert Patton and Pamela Bays be made Honorary Pages of the Senate. Agreed.

Senator Duffy moved that Bonnie June Herman be made an Honorary Page of the Senate. Agreed.

Senator Francis moved that Dorothy Hill Murphy, Embry Allen Wilson, James M. Carroll, Phil Carroll, Sandra Queen, Edward Enns-lin, Betty Deam Starnes, Christine Ballard, Preston Art, Bill West, Barbara Hall, Christeen Lamb be made Honorary Pages of the Senate. Agreed.

Senator Melton moved that **SB 226** be taken from the Rules Committee and given a first reading. Senators Melton and Freeman re-

questing a roll call, it was so ordered.

On roll call, the vote was: Yeas, 15—Blue, Bonn, Byers, Clay, Duffy, Francis, Freeman, Hickerson, Kidwell, McCann, Melton, Reuscher, Ware, Willis, Young; Nays, 19—Anggelis, Bassett, Blake, C. H. Davis, Mrs. J. Harry Davis, Fields, Greene, Hamilton, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, Richmond, Robinson, Van Hoose, Warinner.

The motion was lost.

Introductions

SR 86, by Senators Anggelis, Miller, Duffy, Bonn, McCann, Young, Howell, Cornett, Van Hoose: A CONCURRENT RESOLUTION memorializing Congress and the Interstate Commerce Commission to establish time zones.

WHEREAS, a majority of the people of Central and Eastern Kentucky have indicated a desire to have Eastern Standard Time as the official time for that part of Kentucky;

WHEREAS, this was shown by a newspaper poll in Lexington and surrounding area, which voted over sixty-seven per cent for Eastern Standard Time;

WHEREAS, Louisville and Jefferson County show a like or greater preponderance in favor of Eastern Standard Time,

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That the Congress of the United States and the Interstate Commerce Commission be petitioned and requested to establish the Eastern Time Zone to include the following counties, and all counties East thereof in the State of Kentucky: Jefferson, Bullitt, Nelson, Marion, Taylor, Adair and Cumberland.

Section 2. That the Clerk of the Senate is directed to forward copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, to each Senator and Representative from Kentucky now serving in Congress, and to the Interstate Commerce Commission.

Senator Anggelis moved the Previous Question on **SR 86**.

Senators McCann and Clay demanding a roll call on the motion for the Previous Question, the vote was: Yeas, 13—Anggelis, Blue, Bonn, Duffy, Duncan, Fields, Howell, Jackson, McCann, Melton, Miller, Richmond, Young; Nays, 20—Bassett, Blake, Byers, Clay, Cornett, C. H. Davis, Mrs. J. Harry Davis, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Knuckles, Lucas, Reuscher, Robinson, Van Hoose, Warinner, Willis.

The motion was lost.

Senator Bassett moved that **SR 86** be committed to the Rules Committee. Agreed by voice vote.

SR 87, by Senator Warinner: A SENATE RESOLUTION memorializing Congress to establish a uniform marriage act for all states.

WHEREAS, there is at present a wide variety of laws in force in the various jurisdictions relating to marriage; and

WHEREAS, a uniform law governing marriage is highly desirable;

NOW, THEREFORE,

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States is petitioned to enact and establish a uniform system of marriage laws for the United States.

Section 2. That the Clerk of the Senate is directed to forward authenticated copies of this Resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each of the Senators and Representatives now serving Kentucky in the Congress.

Senator Warinner moved the adoption of said resolution. Senators McCann and Clay demanding a roll call, the vote on **SR 87** was: Yeas, 5—Byers, C. H. Davis, Fields, Van Hoose, Warinner; Nays, 9—Clay, Duffy, Duncan, Francis, Freeman, Hickerson, Ware, Willis, Young.

SR 87 was not adopted.

SR 88, by Senator Freeman: A CONCURRENT RESOLUTION authorizing and directing an investigation of the management and maintenance of the state park system with respect to the disbursement of funds appropriated therefor and the extent to which and to whom commercial concessions and privileges are being granted on state park public lands; providing for a special committee and funds therefor.

SR 89, by Senator Howell: A CONCURRENT RESOLUTION directing the erection of a marker at the site of the Floyd County school bus disaster.

WHEREAS, on the 28th day of February, 1958, there occurred in Floyd County, near Prestonsburg, a school bus accident which resulted in the death of twenty-six school children and the driver of the school bus;

WHEREAS, this accident was the most appalling school bus disaster in the history of school transportation in the nation; and

WHEREAS, the death of these young people has caused a great loss in present and potential leadership in the community and the state, and inconsolable grief and suffering to the bereaved families;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That the Department of Highways is requested and directed to erect an appropriate monument displaying a bronze marker or plaque at the site of the disaster, to be a permanent memorial to the promising young citizens who lost their lives, and that the marker or plaque contain the date of the disaster, with the names and ages of the persons who perished.

That such marker shall be maintained and preserved in the same manner as other historical memorials in the Commonwealth.

Senator Howell moved the adoption of said resolution. Adopted by voice vote.

SB 349, by Senators Bassett and Howell: AN ACT relating to aeronautics.

SB 350, by Senators Bassett and Clay: AN ACT relating to civil actions.

Report of Committees

The Rules Committee reported **SB 284**, **SB 295**, **HB 326**, **HB 475**, **SB 151** by way of Committee Substitute, **SB 348**, **SB 337**, **SB 74**, **SB 345**, **SB 347**, **SB 6**, **SB 3**, **HB 139** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 284: AN ACT relating to compensation of county purgation officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 117.795 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties containing a first-class city, each member of the county board of registration and purgation shall receive compensation of not less than one thousand two hundred dollars per year, the exact amount to be fixed by the fiscal court and paid monthly. In all other counties, each member of the county board, and the secretary thereof, shall receive compensation of fifteen dollars per day for each day in session, and in addition, the secretary may receive compensation for fifteen days while the board is not in session. The compensation of members of county boards of registration and purgation in counties other than those containing a city of the first class shall be paid one-

half by the fiscal court and one-half by the state. No board member shall be paid for more than thirty-four days in each year.

(2) In counties containing a city of the second class the board may meet for not more than twenty-two days each year, for five days after the closing of registration books before each primary election, for five days after the closing of registration books before each general election, and for ten days at any other time when the registration books are open, provided that no part of the ten-day period shall occur later than seventy-nine days before the May primary election or the general election, and for the performance of the duties set out in KRS 117.850, for two days after the registration books are opened following each primary election.

(3) In counties containing a city of the third class the board may meet for not more than fifteen days each year, for three days after the closing of registration books before each primary election, for three days after the closing of registration books before each general election, and for seven days at any other time when the registration books are open, provided that no part of the seven-day period shall occur later than seventy-nine days before the May primary election or the general election, and for the performance of the duties set out in KRS 117.850, for two days after the registration books are opened following each primary election.

(4) In all other counties, the board may meet for not more than ten days each year, for two days after the closing of registration books before each primary election, for two days after the closing of registration books before each general election and for four days at any other time when the registration books are open provided that no part of the four-day period shall occur later than seventy-nine days before the May primary election or the general election, and for the performance of the duties set out in KRS 117.850 for two days after the registration books are opened following each primary election. If emergency conditions exist, the fiscal court may authorize payment for not more than five additional days.

(5) In counties having a city of the first class, the board may meet at any time necessary to perform its duties, and shall remain in session for the purpose of hearing challenges continuously from the date that the registration books are closed before any primary or regular election, but in all counties the purgation must be concluded at least twenty days before any primary or general election. In all counties the board shall hold all of its meetings at the courthouse unless it is necessary that it hold meetings at some other place in the county, but no meeting shall be held at any other place in the county unless the persons affected by the meetings are given written notice of its time and place.

(6) If any county board fails to meet as herein required and fails to make a diligent effort to effect an adequate purgation, then any citi-

zen of the county may prefer charges against said board before the state board, which charges shall be heard and disposed of within five days after notice has been given to the county board for five days. If after the hearing the state board determines that the county board has failed to make a diligent effort to effect an adequate purgation, the state board shall direct the county board to act, and in the event the county board fails to act within fifteen days, the state board shall declare all positions on the county board vacant and appoint a new board. If the state board fails to act on said charges as herein provided then said citizen may apply for a summary mandatory order to the circuit court judge of the county.

SB 295: AN ACT relating to pharmacy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 315.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Association" means the Kentucky Pharmaceutical Association.

(2) "Board" means the Kentucky Board of Pharmacy.

(3) "Pharmacy" means every place where:

(a) Drugs are dispensed or sold at retail or displayed for sale at retail, or

(b) Where prescriptions are compounded, or

(c) Which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the term "pharmacists", "pharmacy", "apothecary", "drug", "drug store", "druggists", "drugs", "medicines", "medicine store", "drug sundries", "remedies", or any term of similar or like import or any place with respect to which any of those terms are used in any advertisement or telephone directory listing, or

(d) Where the characteristics show bottles or colored globes are exhibited.

Section 315.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every licensed pharmacist who desires to continue in business shall, during January of each year, pay to the secretary-treasurer of the board a renewal fee, to be fixed by the board, but not to exceed ten dollars. For this he shall receive a certificate of renewal of his license.

(2) Every licensed assistant pharmacist who desires to continue in business shall, during January of each year, pay to the secretary-treasurer of the board a renewal fee, to be fixed by the board, but not

to exceed four dollars. For this he shall receive a certificate of renewal of his license.

(3) Every pharmacist and every assistant pharmacist shall keep his current certificate conspicuously displayed in his place of business.

HB 326: AN ACT relating to sewer construction districts and to construction and enlargement of sewer and drainage facilities, including treatment plants by issuance of revenue bonds as an alternate method of financing and enforcing collections under same by providing that water service may be required to be cut off if delinquent sewer bills are not paid.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a new section or sections be added to Chapter 76, Kentucky Revised Statutes, reading as follows:

(1) (a) Any Sewer Construction District, created in the manner provided in KRS 76.300-76.325, both inclusive, may if the commissioners of such Sewer Construction District deem it feasible, build, or acquire or enlarge sewer or drainage facilities, including treatment plants, without resort to the right to levy assessments for the cost of such sewer or drainage facilities, including treatment plants, as is provided in KRS 76.340-76.365, both inclusive, and may obtain the funds with which to build, acquire or enlarge such system by the issuance of revenue bonds, payable solely from the revenue to be derived from the operation of such system.

(b) In the event the commissioners shall decide to finance the cost of such construction, acquisition or enlargement by the issuance of revenue bonds, secured solely by the revenue of the system, the commission shall note such decision by appropriate resolution, and shall thereafter proceed under the provisions of KRS 96.350 to 96.510, both inclusive, and the sewer construction district and the commission shall have the same powers and duties as a city of the second to sixth class inclusive under the provisions of KRS 96.350 to 96.510, both inclusive, the language referring to water works and water systems in the aforesaid Statutes to be read as sewers and drains including treatment plants.

(c) In the event such procedure is followed the commission shall not observe the provisions of KRS 76.340-76.364 both inclusive.

(2) If any district has previously issued bonds secured entirely or partially by the right to levy an assessment as provided by KRS 76.340-76.365, both inclusive, and such bonds are redeemed prior to maturity, bonds to refund same may be issued secured solely by the revenue of said systems in the manner provided in Section 1, above.

(3) Sections 1 & 2 shall not repeal nor reduce any existing rights or duties of a sewer construction district, and the commissioners

thereof, but shall constitute an additional and alternate method of financing.

(4) In the event a sewer construction district elects to proceed under sections 1 & 2 above it is granted the same authority relative to the cutting off of the water supply of its delinquent users as is a Sanitation district under KRS 220.510, when written request for such cutting off is made by the commission to the water supplier. In the event this power is used the plans of the sewer district shall only require prior approval by the Metropolitan Sewer District as already provided in KRS 76.330, and in such event the water supplier may require the sewer commission to supply an agent with full authority to receive payments or accept arrangements to pay the delinquent charges, together with interest and penalties thereon, to be present when the water is cut off and the water supplier may bill the Sewer Commission its actual expenses involved.

HB 475: AN ACT relating to county employees retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definitions. As used in this Act unless the context otherwise requires:

- (1) "System" means the County Employees Retirement System;
- (2) "Board" means the Board of Trustees of the system;
- (3) "County" means any county participating in the system in accordance with appropriate executive order, as provided in Section 3 of this Act;
- (4) "Examiner" means the medical examiner or examiners as provided in this Act;
- (5) "Employee" means every person regularly employed in rendering service to and for a county and whose compensation is payable in whole or in part by such county, and shall include all full time regular employees of the county. In case of any doubt the board shall determine if a person is a county employee within the meaning of Sections 1 through 39 of this Act. The Judge of the County Court, County Court Clerk, County Attorney, Sheriff, Jailer, Coroner, Surveyor, County Commissioners, Justice of the Peace and Constable, and all compensated employees assisting these officials in the performance of their official duties shall be considered county "employees" within the meaning of this Act.
- (6) "Employer" means a county, the electorate of a county, or any authority of such county having the power to appoint or elect an employee to office or employment in such county;
- (7) "Member" means any employee who is included in the membership of the system;

(8) "Service" means the total of current service and prior service as defined herein;

(9) "Current service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employe, on and after July 1, 1958, for which compensation is paid by the employer during which employment the employe is a member of the system, except as otherwise provided in Section 23 of this Act;

(10) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employe, prior to July 1, 1958, for which compensation was paid by the employer;

(11) "Beneficiary" means any person entitled to receive benefits under Sections 1 to 39 of this Act;

(12) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(13) "Creditable compensation" means the compensation to an employe working the full working time for his position. In cases where compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money;

(14) "Final compensation" of a member means the creditable compensation to the member during the five calendar years he was paid at the highest average monthly rate of any of the last ten years of creditable compensation preceding the member's retirement date divided by the number of months of service during that five year period. Said five years may be fractional, need not be consecutive, and include only years during which creditable compensation is received by the member. In no case will final compensation be less than that determined on the assumption that the member retired on his normal retirement date. All benefits shall be paid in accordance herewith.

(15) "Retirement allowance" means the retirement payments to which a member is entitled;

(16) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board;

(17) "Normal retirement date" means the sixty-fifth birthday of a member or the date on which the member completes ten years of service, whichever occurs later, except that in no case will a member's normal retirement date be later than his seventy-fifth birthday. The normal retirement date for any member who has passed his seventy-fifth birthday on the date he becomes a member shall be the date he

becomes a member, except as otherwise provided in Section 17 of this Act. Notwithstanding anything to the contrary contained in this subsection (17), the normal retirement date of a member shall not be earlier than July 1, 1960;

(18) "Fiscal year" of the system means the twelve months from July 1 through the following June 30.

Section 2. Retirement system established; fund created. There is hereby created and established:

(1) A retirement system for employes to be known as the "County Employes Retirement System" by and in which name it shall, pursuant to the provisions of this Act, transact all of its business and shall have the powers and privileges of a corporation; and

(2) A state fund, called the "County Employes Retirement Fund" which shall consist of all the assets of the system as set forth in this Act.

Section 3. Participation by order; authority for order. (1) Each county will participate in the system by appropriate order authorizing such participation which has been entered and duly recorded in the records of the County Fiscal Court. The authority to issue and properly record such order of participation being hereby granted, permits such county to participate in the system. The effective date of such participation shall be the July 1st of any year following the effective date of this Act.

(2) Once a county participates it shall thereafter continue to participate.

(3) In counties having a population of 75,000 or more the County Fiscal Court, upon request of either the Clerk of the County Court or the Sheriff of the county, shall enter an appropriate order authorizing the participation in the system, said order to be duly recorded in the records of the Fiscal Court. Provided, however, anything in this Act to the contrary, notwithstanding, the Fiscal Court shall not be liable for "normal contribution" or "prior service liability contribution" with reference to the County Court Clerk and his employees and deputies and the Sheriff and his employees and deputies, and further that the "normal contribution" and "prior service liability contribution" shall be considered office expenditures and shall be paid by the County Court Clerk and by the Sheriff respectively.

Section 4. Membership; persons composing. Membership in the system shall consist of the following:

(1) All persons who become employes of a participating county after the date such county first participates in the system; and

(2) All persons who are employes of a county on the date the county first participates in the system, either in service or on authorized leave from service, and who elect prior to the October 1 next fol-

lowing such county's participation, or in the case of persons on authorized leave, within 90 days of their return to active service, to become members and thereby agree to make contributions as provided in this Act.

Section 5. Refusal to become member; penalties. Any person who is an employe on the date his county first participates in the system, either in service or on leave from service, who does not elect within the time set forth in this Act to become a member and thereby make contributions required of him by this Act, shall forfeit all right for credit for service with any county prior to the date he might subsequently elect to become a member, notwithstanding anything contained in this Act to the contrary. Prior to the last day of the period during which he may elect to become a member, each such person shall be notified of the penalty resulting from his failure to elect to become a member.

Section 6. Cessation of membership; conditions. The membership of any person in the system shall cease:

(1) Upon withdrawal of his accumulated contributions at or any time after termination of employment, regardless of length of service.

(2) After the expiration of nine calendar months following termination of employment if such termination was:

(a) for any reason other than involuntary termination of employment by the employer without prejudice after ten years of service but before the completion of twenty years of service, unless at such termination of employment the member has had at least twenty years of service;

(b) involuntary termination of employment by the employer without prejudice if the person has less than twenty years of service, unless at such termination of employment the member has had at least ten years of service and is re-employed within eight years of said termination of employment;

(3) Upon service retirement;

(4) Upon death;

(5) Upon termination of employment with prejudice after twenty years of service;

(6) For purposes of Sections 1 to 39 of this Act, termination of employment with prejudice shall mean termination as the result of conviction of the member in a court of competent jurisdiction of embezzlement or larceny of public funds or property or malfeasance in office, or the forcing of a member to make restitution for any funds or property criminally taken by said member at the time of termination of employment.

Section 7. Statement of member to be filed; requirements. Under such rules and regulations as are adopted by the board, each employe

of an employer upon becoming a member, or someone on his behalf, shall file with the board, in such form as the board may prescribe, a statement of the facts pertaining to his status as a member, which shall include a detailed description of all service rendered prior to the date of the most recent termination of membership, as the result of termination of employment with such employer, and such other information as the board may require. Until such statement is filed, no member or his beneficiary shall be eligible to receive any benefits under Sections 1 to 39 of this Act. As soon as practicable after said statement is filed, the board shall ascertain the amount of service prior to his becoming a member, if any, to which a member is entitled and shall issue to such member a certificate certifying the length of such service rendered by him which certificate shall, however, become void upon termination of membership for any reason except for death or retirement.

Section 8. Computation of service. The board shall determine by appropriate rules and regulations how much service in any year is the equivalent of a year of service, but in no case shall it allow credit for more than one year of service for all service rendered in any period of twelve consecutive months.

Section 9. Cessation of membership; loss of benefits. When membership ceases, except in the case of retirement, an employe shall thereafter lose all right to any retirement allowance or benefits under Sections 1 to 39 of this Act arising from service prior to the date of such cessation of membership.

Section 10. Service in armed forces to be credited; maximum; requirements. (1) Any member entering the armed forces of the United States after he first participates in the system, being on leave of absence from service and not withdrawing his accumulated contributions, shall be entitled to have credited as service his period of service in the armed forces of the United States, not to exceed six years, provided his discharge therefrom is honorable and he is re-employed within one year after discharge, or upon the subsequent termination of any total disability which existed at the expiration of said year after discharge.

(2) Any member of the system who, prior to the date he first participated in the system, terminated his employment in order to enter the armed forces of the United States and who was or is re-employed after his honorable discharge therefrom, shall be entitled to have credited as service his period of service in the armed forces, not to exceed six years.

Section 11. Members contributions; rate. (1) (a) Each member shall commencing on the date he becomes a member, contribute for each pay period for which he receives compensation two and one-half percent of his creditable compensation if his rate of annual compensation does not exceed \$4,200. If such member's rate of annual

compensation exceeds \$4,200, he shall contribute two and one-half percent of that portion of his creditable compensation not in excess of the equivalent applicable rate for such pay period to annual compensation of \$4,200 and four percent of that portion of his creditable compensation which is in excess of such rate applicable to annual compensation of \$4,200.

(b) Each employee of a county on the date the county first participates in the system who elects to become a member subsequent to such date, but prior to the next succeeding October 1, shall make contributions which he would have made if he had elected to become a member as of the date such county first participated.

(2) The County Treasurer shall cause to be deducted from the salary or compensation of each member for each and every payroll period subsequent to the date of the establishment of the system, the contribution payable by such member as provided in Sections 1 to 39 of this Act, but in no case shall any deduction be made from the compensation of a member after his normal retirement date if such member elects not to contribute.

(3) In determining the creditable compensation of a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and, to facilitate the making of deductions, may allow the omission of deductions from any fractional amount less than one dollar from any member in any period and may allow the omission of deductions from compensation for any period less than a full payroll period if any employee was not a member on the first day of the payroll period.

(4) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made as provided herein; and payment of salary or compensation less such deductions shall be a full and complete discharge of all claims for services rendered by such person during the period covered by such payment, except as to any benefits provided by Sections 1 to 39 of this Act.

(5) Notwithstanding any other provisions of this section, no deduction shall be made from any member's compensation if the employer's contribution required hereunder is in default.

Section 12. Employer contributions. (1) Each employer shall contribute annually an amount equal to a certain percentage of the creditable compensation of its members, to be known as the "normal contribution", and an additional amount equal to a certain percentage of such creditable compensation to be known as the "prior service liability contribution."

(2) Until the prior service liability contribution is no longer required, the normal contribution shall be determined as such annual

amount payable during the member's period of service while under the system required to provide the retirement allowances due to such service not provided by the member's contributions. After the prior service liability contribution is no longer required, the normal contribution shall be determined as such annual amount payable during the members' periods of service under the system required to provide the difference between the total liabilities for retirement allowances not provided by members' contributions and the amount of the assets in the retirement allowance account.

(3) The prior service liability contribution shall be such annual amount required to provide for the liquidation, within thirty years of July 1, 1958, of the liability for retirement allowances due to prior service with the employer. The unfunded prior service liability at any particular time shall be the excess, if any, of the then present value of the retirement allowances due to prior service over the total accumulated prior service liability contributions previously made with interest on such contributions at the rates of interest earned each year on the assets of the system.

(4) Normal contributions and the prior service liability contributions shall be determined on actuarial bases adopted by the board. Such contributions shall be determined by the board after each valuation and shall continue in force until a new valuation is made.

(5) The board shall furnish to the employer prior to the beginning of each fiscal year its best estimate of the normal contributions, the prior service liability contributions and the expenses of administering the system as provided in Sections 28 to 39 of this Act necessary to meet the provisions of this Act during the fiscal year next following. The estimated amount so furnished shall be included in the budget for the county and the county shall make available to the board sufficient funds to provide actual amounts necessary for contributions and expenses.

(6) The aggregate employer contributions payable into the retirement allowance account shall be at least sufficient, when combined with the amount then held in the account, to provide the benefits payable from such account during the current year.

Section 13. Fund assets; how held, credited. All of the assets of the system shall be held and invested in the County Employees Retirement Fund and credited, according to the purpose for which they are held, to one of two accounts, namely, the members' contribution account, and the retirement allowance account.

Section 14. Members' contribution account. (1) The members' contribution account shall be the account to which all members' contributions and interest allowances as provided in Sections 1 to 39 of this Act shall be credited. From this account shall be paid the accumulated contributions of a member required to be returned to him upon withdrawal, or paid in the event of his death before retirement.

(2) The County Treasurer shall, at the end of each payroll period, forward to the board an amount equal to the aggregate amount of the deductions made for the preceding payroll period from the salaries of all members. The County Treasurer shall forward a record of all such transfers to the board.

(3) Each members' contribution provided for in Section 11 of this Act shall be credited to the individual account of the contributing member.

(4) Each individual account of the members' contribution account shall be credited annually with interest at that rate determined by the board but not less than two per centum per annum on the accumulated contributions of the member; provided, however, that interest shall accrue on any such contribution beginning at the end of the fiscal year in which each such contribution was made. Such amounts so credited shall be transferred from the retirement allowance account.

(5) Upon the retirement of a member, his accumulated contributions shall be transferred from the members' contribution account to the retirement allowance account.

Section 15. Retirement allowance account. The retirement allowance account shall be the account in which shall be accumulated all employer contributions, amounts transferred from the members' contribution account, and to which all income from the invested assets of the system shall be credited. From this account shall be paid the expenses of the board in administering the system, retirement allowances and any other benefits payable after a member's retirement and from this account shall be transferred to the members' contribution account the interest credited annually to each member's individual account as provided by this Act.

Section 16. Deposits. For the purpose of meeting disbursements for retirement allowances and other payments, there may be kept available cash, not exceeding seven and one-half percent of the total amount in both accounts of the system, on deposit in one or more banks or trust companies that are designated by the State Treasurer as depositories for funds of the state. The members of the board shall not be liable for any loss sustained as to such funds that are on deposit in such banks or trust companies.

Section 17. Service retirement. (1) Any member in service at his normal retirement date may retire at that time or at any time thereafter upon written notification to the board, made by such member or his employer, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service but shall not be more than ninety days prior to or subsequent to the filing of such notice.

(2) Any member who is in service on or after his fifty-fifth birthday and has completed at least twenty years of service may, upon approval by the board, retire upon written request to the board, made by the member or his employer, setting forth at what time the retirement is to become effective, provided that such effective date shall be after his last day of service and after the filing of such notice but shall not be more than ninety days subsequent to the filing of such notice.

(3) Any member having left the service after having completed at least twenty years of service as of the date of leaving service may retire under the provisions of subsection (1) of this section, or after having completed at least thirty years of service with his employer as of the date of leaving service, may retire under the provisions of subsection (2) of this section provided that he shall not have withdrawn his accumulated contributions prior to the effective date of his retirement and except that any requirements as to the member being in service shall not apply.

Section 18. Service retirement allowance. (1) Upon service retirement at normal retirement date, or subsequent thereto, a member shall receive an annual retirement allowance, payable monthly during his lifetime, which shall consist of an amount equal to one-fourth percent of the first \$1320 of final compensation multiplied by the number of years of service, plus one percent of the next \$2880 of final compensation multiplied by the number of years of service, plus one and one-fourth percent of final compensation in excess of \$4200 multiplied by the number of years of service.

(2) Upon service retirement prior to normal retirement date, a member shall receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his actual retirement, but the amount of the retirement allowance so determined shall be reduced by five-twelfths percent for each 30 days that the actual retirement date precedes the normal retirement date.

Section 19. Disability retirement. Any member in service who has fifteen or more years of service may, at any time before his normal retirement date, retire on account of disability upon written notification to the board, made by the member or his employer, setting forth at what time the retirement is to become effective; provided that such effective date shall be after the last day of service but shall not be more than ninety days prior to the filing of such notice; and provided further that the examiner, after a medical examination of such member, shall certify that such member is, and has been continuously since such effective date, if prior to the filing of such notice, mentally or physically incapacitated for the further performance of duty and that such incapacity is likely to be permanent and that such member should be retired.

Section 20. Disability retirement allowance; determination. Upon disability retirement, a member shall receive an annual retirement allowance payable monthly during his lifetime which shall be determined in the same manner as for retirement at his normal retirement date with years of service and final compensation being determined as of the date of his disability except that the amount of such annual retirement allowance shall not be less than \$480.00.

Section 21. Beneficiary of disability retirement allowance, medical examination of. Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the board will require such member, prior to his normal retirement date, to undergo a medical examination by the examiner. Should the member refuse to submit to any such medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights to any further disability allowance shall cease and he shall, at the end of such one year, cease to be a member hereunder.

Section 22. Disability retirement allowance, reduction of. (1) Whenever the examiner certifies to the board that a member receiving a disability retirement allowance is, prior to his normal retirement date, engaged in gainful occupation of work paying more than the difference between the disability retirement allowance and his final compensation, the board may reduce such retirement allowance to an amount which, together with the amount earnable by him equals the amount of his final compensation.

(2) Should the examiner report and certify to the board at any time that any disabled member is able to engage in gainful occupation paying more than the difference between his retirement allowance and his final compensation at retirement, and should the board find that such member shall have refused any employment considered by the board suitable to his capacity, he shall not be entitled to any such allowance during the continuance of such refusal, unless in the opinion of the board such refusal was justified.

Section 23. Disability retirement allowance; cessation of. (1) Should a member receiving a disability retirement allowance recover from such disability at any time prior to his normal retirement date, his disability retirement allowance shall cease, and if he re-enters the active employ of an employer within thirty days after such recovery, he shall continue to be a member of the system and shall thereafter make his required contributions. Any service on the basis of which his disability retirement allowance was computed shall thereafter be counted as service and, in addition, the period of disability retirement shall be counted as service.

(2) The excess, if any, of accumulated contributions of such member as of the date of disability retirement over the disability retirement

allowances received by him shall be transferred from the retirement allowance account to the members' contribution account.

Section 24. Death or withdrawal before retirement; refund of contributions in event of. If a member has ceased to be an employee other than by death or by retirement under the provisions of Sections 1 to 39 of this Act, he shall be paid, on demand, but not later than ninety days thereafter, the amount of his accumulated contributions reduced by the amount of any retirement allowances previously received by him under any of the provisions of Sections 1 to 39 of this Act.

Section 25. Death after retirement; benefits. Should a member die at any time after retirement but before receiving total retirement allowances provided in Sections 1 to 39 of this Act at least equal to his accumulated contributions as of the date of his retirement, the difference between such accumulated contributions and such total allowances shall then be payable in a lump sum to the properly designated beneficiary, if then living; otherwise, to the estate of the deceased member, unless the retirement allowance is then being paid in accordance with any of the options contained in this Act.

Section 26. Optional Benefits. (1) Each member shall have the right, with respect to paragraph (a), (b), or (c) herein, to elect to have his retirement allowance payable under any one of the options set forth in this section in lieu of the retirement allowance otherwise payable to him upon retirement under any of the provisions of Sections 1 to 39 of this Act. The amount of any such optional retirement allowance shall be the actuarial equivalent of the amount of such retirement allowance otherwise payable to him. The member shall make such an election by written request to the board and such election shall be subject to the approval of the board.

(a) A member may elect to receive an increased retirement allowance in lieu of any death benefits as provided in Section 25 of this Act.

(b) The member may elect to receive a decreased retirement allowance during his lifetime and have such retirement allowance, or one-half thereof if so designated, continued after his death to another person during the lifetime of such person. In case of such an election death benefits that might otherwise be provided in Section 25 of this Act shall not be payable upon the death of the member. This option may not be elected by a member if the social security option of paragraph (c) herein has previously been elected.

(c) If a member retires prior to his sixty-fifth birthday, he may elect to receive an increased retirement allowance up to the date he commences to receive his primary insurance benefits under Federal Social Security and a decreased retirement allowance thereafter, thereby providing a more nearly level retirement allowance when such

decreased retirement allowance is added to his anticipated primary benefits under the Federal Social Security Act. The election of this option shall automatically revoke any previous election under the joint and last survivor option of paragraph (b) herein.

(2) The election by a member of any one of the options stated in this section shall be null and void if the member dies prior to retirement, and the election by a member of option (b) shall be effective only if the beneficiary is living at the effective date of the member's retirement.

(3) A member who has elected any one of the options stated in this section may, at any time prior to the later of the effective date of the member's retirement or the date of written notification to the board of retirement of the member, revoke such an election by written notification to the board.

(4) If any service or disability retirement allowance provided in Sections 17 through 27 of this Act is less than \$20.00 a month, the board may at its discretion pay the actuarial equivalent of such allowance in any other manner agreed on by the member and the board.

Section 27. Should a member die at any time before retirement, the amount of his accumulated contributions, reduced by the amount of any retirement allowances previously received by him under any of the provisions of Sections 1 to 39 of this Act, shall be payable in a lump sum to the properly designated beneficiary, if then living; otherwise, to the estate of the deceased member; provided, however, that if the member is in service at time of death and is eligible to retire on benefits payable as provided in Section 17 (1) and (2) of this Act, and has on file with the board at the time of his death a written designation of beneficiary, then said beneficiary shall receive an annual benefit payable monthly which shall be equal in amount to the benefit that would have been paid had the member retired immediately prior to his date of death and elected option (b) (100%) as provided in Section 26 so that the retirement allowance (not one-half thereof) shall be continued during the lifetime of the beneficiary. Nomination of beneficiary may be changed by the member at any time prior to retirement by written designation signed by a member in such manner and on such forms as shall be required by the board. Such change shall be effective on the day such designation is received by the board.

Section 28. Board to administer system. (1) The system shall be administered by a Board of Trustees, which shall organize and begin to function at Frankfort, Kentucky, on or prior to the effective date of this Act, and shall meet monthly thereafter in Frankfort at such time and place as may be determined by the board. Said board shall consist of five persons appointed by the Governor who shall serve for terms of four years, except that one member of the first board shall be appointed for a term of one year, one member for a term of

two years, one member for a term of three years and two members for a term of four years.

(2) Board members who are not residents of Frankfort shall receive a salary of \$25.00 per day for each day they are in session or are on official duty. All board members shall receive per diem expenses as established by the board.

(3) The board shall elect a chairman and vice chairman. A majority of the members shall constitute a quorum, and all actions taken by the board will be by affirmative vote of a majority of the entire board. All vacancies on said board shall be filled by appointment for unexpired terms by the Governor.

(4) The board shall:

(a) Appoint an executive secretary, who shall be the secretary and the administrative officer of the board;

(b) Appoint such other employees as it deems necessary and fix the compensation for all employees of the board;

(c) Require such employees as it thinks proper to execute bonds for the faithful performance of their duties;

(d) Establish a system of accounting;

(e) Do all things, take all actions and make all rules and regulations, not inconsistent with the provisions of this Act, that it deems necessary or proper in order to carry out the provisions of this Act; provided that the Governor, by Executive Order, for administrative convenience and economy, may transfer the administrative functions of the board to any departments or agencies of state government.

(5) All employees of said board shall serve during its will and pleasure.

(6) The board may employ its own attorney and legal advisor and pay a reasonable fee for his services.

(7) The board shall prepare and publish an annual financial report showing all receipts, disbursements, assets and liabilities. All its proceedings and records shall be open for inspection by the public.

(8) All expenses incurred by or on behalf of the board in the administration of the system during a fiscal year shall be paid from the retirement allowance account. The expenses incurred by the board in the administration of the system during any fiscal year shall not exceed \$10,000, or two percent of the total employer and member contributions during such fiscal year, whichever is the larger.

Section 29. Investments; board to be trustee. (1) The board shall be the trustee of the several funds created by Sections 1 to 39 of this Act, and shall have full power to invest and re-invest such funds, subject to the limitation that no investment shall be made except upon the exercise of bona fide discretion, in securities which, at the time of making the investment, are, by law, permitted for the investment of funds by fiduciaries in this state. Subject to such limitation, the board shall have full power to hold, purchase, sell, assign, transfer or dispose

of, any of the securities or investments in which any of the funds created herein have been invested, as well as the proceeds of such investments and any monies belonging to such funds.

Section 30. Interest in investments by members of the board prohibited. No member of the board shall have any interest, direct or indirect, in the gains or profits of any investment made by the board, save insofar as any such member may be a member or beneficiary of the retirement system. No member of the board shall, directly or indirectly, for himself or as an agent, in any manner use the funds or deposits of the retirement system, except to make such payments therefrom as are authorized by the board; nor shall any member of the board become an endorser or surety or in any manner an obligor for monies loaned by or borrowed from the board.

Section 31. State Treasurer to be fiscal officer of board. The State Treasurer shall be the custodian of the fund created by this Act and he shall be responsible on an official surety bond for all cash and securities in his custody. All registered securities in the fund created by this Act shall be registered in the name "County Employees Retirement System" and every change in registration, by reason of sale or assignment of such securities, shall be accomplished by the signature of the State Treasurer, and securities shall be delivered by him when directed so to do by resolution of the board. All payments from said fund shall be made by him on warrants issued upon orders signed by such person as is designated for the purpose by the board. A duly attested copy of a resolution of the board designating such person and bearing on its face the specimen signature of such person shall be filed with the Commission of Finance as his authority for issuing warrants upon such orders. No order shall be signed unless it has previously been authorized by the board, which authorization shall be recorded on the records of the board.

Section 32. Medical examiners, employment of, duties. The board shall, from time to time, employ one or more physicians, practicing in the state and not members of the system, upon such terms and conditions as it may prescribe, whose duty it shall be to pass upon all medical examinations required under Sections 1 to 39 of the Act or by the board, and to investigate all health or medical statements and certificates made by or in behalf of any person in connection with the payment of money to such person under Sections 1 to 39 of this Act, and shall report in writing to the board his conclusions and recommendations upon all matters referred to him.

Section 33. Actuarial basis, adoption of, investigations, valuations. As soon as practicable after its organization, the board shall adopt such actuarial tables as are necessary for the administration of the system and for the annual determination of assets and liabilities of the system. At least once in each five-year period, the board shall

cause an actuarial investigation to be made of all the experience under the retirement system. Pursuant to such investigation the board shall, from time to time, revise the actuarial tables previously adopted by the board and shall thereupon revise the bases of the rates of contributions required under Sections 1 to 39 of this Act. All such investigations and evaluations must be certified to the board by a Fellow of the Society of Actuaries.

Section 34. Employer to prepare and furnish records; inform employe of duties and obligations. The employer shall prepare such records and, from time to time, shall furnish such information as the board may require in the discharge of its duties. Upon employment of a member, the employer shall inform the member of his duties and obligations in connection with the system as a condition of employment.

Section 35. Acceptance of employment under system; significance. Every member shall be deemed to consent and agree to any deduction from his compensation required by Sections 1 to 39 of this Act and to all other provisions thereof.

Section 36. Correction of errors in records; erroneous payments. Should any change or error in records result in any member or beneficiary receiving from the system more or less than he would have been entitled to receive had the records been correct, then on discovery of any such error the board shall correct the same, and as far as practicable shall adjust the payments in such a manner that the actuarial equivalent of the benefit to which the member or beneficiary was correctly entitled shall be paid.

Section 37. Retirement allowances exempt from taxation, execution and assignment. All retirement allowances and other benefits accrued or accruing to any person under the provisions of Sections 1 to 39 and the accumulated contributions and cash securities in the funds created under Sections 1 to 39 of this Act, are hereby exempted from any state, county, or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court.

Section 38. Alteration, amendment or repeal. (1) The General Assembly of the Commonwealth of Kentucky reserves the right to alter, amend or repeal any provision of Sections 1 to 39 of this Act or any application thereof to any person; provided, however, that the amount of benefits which at the time of any such alteration, amendment or repeal shall have accrued to the extent provided under subsection (3) of this section for the members or beneficiaries shall not be affected thereby.

(2) If the General Assembly repeals the provisions of Sections 1 to 39 of this Act, the board shall continue to administer the sys-

tem in accordance with the provisions of Sections 1 to 39 of this Act for the sole benefit of the then members, any beneficiaries then receiving retirement allowance, and any future persons entitled to receive benefits under one of the options provided for in Sections 1 to 39 who are designated by any of said members.

(3) In the event of repeal as provided in subsection (1) of this section the assets of the system shall be allocated by the board in an equitable manner to provide benefits for the persons designated in subsection (2) of this section in accordance with the provisions of Sections 1 to 39 of this Act, but based on years of service and final compensation as of the date of repeal and in the following order:

(a) For the benefit of the then members to the extent of their individual account in the members' retirement allowance account.

(b) If any funds remain, then for the benefit of the then beneficiaries and persons already designated by former members who are then beneficiaries under one of the options provided for in Sections 1 to 39 to the extent and in proportion of the then actuarial value of their retirement allowances.

(c) If any funds remain, then for the benefit of members and persons, if any, designated by members under one of the options provided for in Sections 1 to 39 of this Act, to the extent not provided under paragraph (a) herein of, and in proportion to, the then actuarial value of their accrued retirement allowances.

(4) In the event the assets at the date of repeal are insufficient to provide all of the benefits of paragraph (a) or (b) of subsection (3), or both, then each employer will contribute to the assets from time to time, as and when required, the amount necessary to make up such insufficiency.

(5) The allocation of assets of the system provided for in subsection (3) of this section shall be carried out through the payment by the board of the benefits provided for in this section as they become due, or by the transfer of such assets to any retirement system replacing this system, provided that such vesting of benefits in the members or beneficiaries as are provided by this section shall be fully maintained under such new retirement system. Any funds remaining in the assets of this system after all of the vested benefits provided by this section have been paid shall revert to the employer.

(6) Any allocation of assets made in accordance with the provisions of this section shall be final and binding on all persons entitled to benefits under said provisions.

Section 39. False statements falsification of records, penalty. Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the system in any attempt to defraud the system shall, upon conviction thereof, be punished by fine not exceeding \$1,000 or imprisonment not exceeding twelve months or both.

Senate Rules Committee Substitute for **SB 151**: AN ACT to submit to the voters of Kentucky a proposed amendment to the Constitution of Kentucky relating to individual rights and freedom of choice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The proposed amendment set out in Section 2 of this Act shall be submitted to the voters of the Commonwealth of Kentucky for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

Section 2. It is proposed that the Constitution of Kentucky be amended by adding thereto, as Section 224b, the following:

“The right of persons to work shall not be denied or abridged because of membership or non-membership in any labor organization, and all contracts in negation or abrogation of such rights are hereby declared to be invalid, void and unenforceable”.

SB 348: AN ACT relating to death benefits payable under the Teachers Retirement System.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Death benefits payable under the provisions of Chapter 161 of the Kentucky Revised Statutes and the provisions of the Teachers Retirement System shall be paid to beneficiaries becoming eligible by May 1, 1958, or upon passage of this Bill and approval by the Governor, whichever date comes first.

Section 2. WHEREAS, there is a pressing need for the payment of such benefits immediately, an emergency is hereby declared to exist and this Bill becomes effective upon its passage and approval by the Governor.

SB 337: AN ACT relating to bail bonds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(a) “Commissioner” means the Commissioner of the Department of Insurance;

(b) “Insurer” means any domestic, foreign or alien surety company which has qualified to transact business in this state;

(c) “Bail Bondsman” means a limited surety agent or a professional bail bondsman;

(d) "Limited Surety Agent" means any individual appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings and who receives or is promised money or other consideration;

(e) "Professional Bondsmen" means any person who pledges cash or property as security for a bail bond in connection with a judicial proceeding and receives or is promised therefor money or other consideration;

(f) "Runner" means a person employed by a bail bondsman for the purpose of assisting the bail bondsman in representing the defendant in court when required, or employed by the bail bondsman to assist in the apprehension and surrender of defendant to the court, or keeping the defendant under necessary surveillance. This does not affect the right of a bail bondsman to hire counsel or to ask assistance of law enforcement officers.

Section 2. The Commissioner shall administer the provisions of this Act and shall adopt, promulgate and enforce all necessary rules and regulations. He may employ such other assistants as shall be deemed necessary.

Section 3. (1) No person shall act in the capacity of a professional bail bondsman, limited surety agent, or runner, or perform any of the functions, duties or powers prescribed for bail bondsmen or runners under the provisions of this Act unless that person shall be qualified and licensed as provided in this Act.

(2) All licenses shall expire annually on June 30 unless sooner revoked or suspended by the Commissioner or upon notice served by him that the insurer or employer of any runner has cancelled the licensee's authority to act for such insurer or employer.

(3) Licenses for any licensee who has continuously maintained same in effect shall be renewed by the Commissioner, without further examination, upon payment of the renewal fee as herein provided.

(4) A fee of ten dollars shall accompany each application for a license.

Section 4. The issuance of any license in accordance with this Act shall be subject to the same fees as required of fire and casualty agents.

Section 5. (1) Application for qualification for bail bondsmen shall be submitted on forms furnished by the Commissioner. To qualify as a bail bondsman it must affirmatively appear, that applicant is a natural person twenty-one years of age, that he is a citizen of the United States, that he has been a bona fide resident of the state for one year past and will actually reside in this state at least six months out of each year, that he will actively engage in the bail bond business, that he has knowledge, experience or instruction

in the bail bond business, or has been engaged as a licensed runner for a period of one year within the last five years or he has held a valid all lines fire and casualty agent's license for one year within the past five years or he has been employed by a company engaged in writing bail bonds in which field he has specialized for at least one year of the last five; that he can be vouched for and recommended upon sworn statements by at least three reputable citizens who are residents of the same county in which he proposes to engage in the bail bond business; that he shall be a person of high character and approved integrity.

(2) Applicant shall furnish with his application a complete set of his fingerprints, certified by an authorized law enforcement officer, and a recent credential size full face photograph of himself.

(3) In addition, to qualify as a professional bondsman, an applicant shall furnish with his application for qualification and with each renewal application for license a detailed financial statement under oath and file with his application for qualification the rating plan he will use in writing bail bonds. A professional bondsman shall on or before the thirty-first day of December of each year file in the Commissioner's office a sworn statement of his assets and liabilities, listing every forfeiture of bonds executed by him, giving date and amount of the forfeiture, name of court where forfeiture is recorded and date of payment.

(4) A fee of ten dollars shall be submitted to the Commissioner with each application which shall be used by him to defray the costs of conducting character investigations of applicants.

Section 6. (1) To qualify as a runner, it must affirmatively appear from the application that applicant is a natural person who is twenty-one years old, that he is a citizen of the United States and has been a bona fide resident of this state for more than one year past, that the applicant will be employed by only one bail bondsman, who will supervise his work and be responsible for the runner's conduct in the bail bond business, that his application is endorsed by the appointing bail bondsman, who shall obligate himself to supervise the runner's activities in his behalf.

(2) A fee of ten dollars shall be submitted with each application which shall be used by the Commissioner to defray the costs of conducting character investigations of the applicant.

Section 7. No bail bondsman or runner shall: (1) suggest or advise the employment of or name for employment any particular attorney to represent his principal; (2) solicit business in or about any place where prisoners are confined or in or about any court; (3) pay a fee or rebate or give or promise anything of value to a jailer, policeman, peace officer, committing magistrate or any person who has power to arrest or to hold in custody or to any public official or public employe in order to secure a settlement, compromise, remis-

sion or reduction of the amount of any bail bond or forfeiture thereof; (4) pay a fee or rebate, or give anything of value to any attorney in bail bond matters, except in defense of any action on a bond; (5) pay a fee or rebate or give or promise anything of value to the principal or anyone in his behalf; (6) participate in the capacity of an attorney at trial or hearing of one on whose bond he is surety; (7) accept anything of value from a principal except the premium, provided, that the bondsman shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond and such collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond. When a bail bondsman accepts collateral he shall give a written receipt for same and the receipt shall give in detail a full account of the collateral received.

Section 8. (1) The following persons or classes shall not be bail bondsmen or runners and shall not directly or indirectly receive any benefits from the execution of any bail bond: jailers, peace officers, committing judges or magistrates, justices of the peace, municipal or small claims court judges, sheriffs, deputy sheriffs, constables or any person having the power to arrest or having anything to do with the control of federal, state, county or municipal prisoners.

(2) No attorney at law and no official authorized to admit to bail, nor any state, city, town or county officer shall become surety on any bail bond.

(3) A bail bondsman shall not sign nor countersign in blank any bond, nor shall he give a power of to or otherwise authorize anyone to countersign his name to bonds unless the person so authorized is a licensed bondsman directly employed by the bondsman giving such power of attorney.

(4) No bail bond agency shall advertise as or hold itself out to be a bail bond or surety company.

Section 9. Nothing in this Act shall be construed to prevent any duly licensed all lines fire and casualty agent from writing bail bonds for any company authorized to write fidelity and surety bonds which he represents as agent.

Section 10. The commissioner shall have the power to fix the amount of the premium charged for bail bonds hereunder and to approve the remuneration of professional bondsmen and runners licensed herein.

Section 11. Any person or corporation who violates any of the provisions of this Act shall, upon conviction, be fined not more than five hundred dollars or imprisoned in the county jail for not more than six months or both.

SB 74: AN ACT relating to lie-detectors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In the trial of any criminal prosecution, if the defendant shall have made a request in writing prior to the time of trial to submit to examination by use of a polygraph or lie-detector, he shall be permitted to submit to such examination if conducted by a qualified polygraph operator and examiner, and the prosecution or the defense may thereafter introduce the results of such examination in any court where defendant has been indicted for a crime.

Section 2. (1) Any person who has an equivalent of four years of college education, has completed a course at a recognized institution for instruction and training in the use, examination, interpretation and operation of a polygraph, is of good moral character, and has passed an examination for qualification under the direction and control of the Commissioner of Public Safety, may be licensed by the Department of Public Safety as a polygraph operator and examiner.

(2) Every polygraph operator and examiner except those who are also members of the Kentucky State Police, shall be charged an annual license fee of fifty dollars payable to the Department of Public Safety.

(3) Any such license may be revoked after a hearing before the commissioner for any falsification or misrepresentation of result of a polygraph examination.

SB 345: AN ACT relating to flood-plain zoning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The fiscal court of any county that does not have an agency with power to establish an adequate program for the uses of land lying in areas of the county that are prone to flooding may provide for the zoning of such areas.

Section 2. The court shall engage experts to determine the extent of the flood-plain area, to make maps of the area, and to recommend the uses to which land in the area may be put.

Section 3. The court shall adopt resolutions regulating the uses to which land lying in the area may be put.

Section 4. The court shall designate a county officer to administer the resolution and to rule on the application of the resolution in individual cases, or if necessary, may hire personnel for that purpose.

Section 5. The court shall establish procedure for appeals from rulings of the administrative officer, and for the taking of appeals to the circuit court.

Section 6. If an agency with general powers of planning and zoning in the county is later established, that agency shall assume the court's powers under this Act.

SB 347: AN ACT relating to chauffeurs fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 281.726 of the Kentucky Revised Statutes is amended to read as follows:

(1) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof has obtained, and from time to time has renewed, in accordance with the requirements of the Department of Public Safety, a certificate of the Department of Public Safety to the effect that the driver or chauffeur has met its requirements with respect to his health, vision, sobriety, intelligence, care, ability and experience.

(2) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof is at least eighteen years of age where the vehicle is transporting property, or at least twenty-one years of age where the vehicle is transporting passengers.

(3) The circuit clerk of each county shall:

(a) Act for the Department of Public Safety for the purpose of issuing certificates and badges referred to in subsections (1) and (4) of this section:

(b) Issue a certificate, when he has determined that the applicant has fully complied with the law governing applications;

(c) Report to the Department of Public Safety not later than the week following that in which the certificates were issued;

(d) Keep adequate records of all moneys collected and remitted to the Department of Revenue;

(e) Keep in his office at all times available to the Department of Public Safety a record of all certificates issued in his county.

(4) The certificate shall cost two dollars, of which seventy-five cents shall be retained by the circuit court clerk to defray expenses of issuing the certificate and maintenance of records, and the remaining one dollar and twenty-five cents shall be paid into the State Treasury and credited to the State Road Fund. The holder of such a certificate, at all times when operating a motor vehicle for hire, shall have the certificate in his possession, and shall wear a badge, to be issued by the circuit clerk, indicating that he is a certified driver or chauffeur.

(5) The department may, for good cause, upon complaint or upon its own motion, revoke or suspend any such certificate, and said person shall be entitled to a hearing before the Department of Public Safety.

SB 6: AN ACT proposing an amendment to Section 49 of the Constitution of Kentucky empowering the General Assembly to provide for a bonus for veterans.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 49 of the Constitution of Kentucky be amended to read as follows:

The General Assembly may contract debts to meet casual deficits or failures in the revenue; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars, and the moneys arising from loans creating such debts shall be applied only to the purpose or purposes for which they were obtained, or to repay such debts; Provided, the General Assembly may contract debts to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense, or to pay war veterans of the Commonwealth a bonus not in excess of five hundred dollars for each veteran.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

SB 3: AN ACT relating to election Commissioners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 116.040 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a county board of election commissioners, consisting of the sheriff of the county and two commissioners appointed by the State Board of Election Commissioners, not later than the second Saturday in April, for a term of one year and until their successors are appointed and qualified. Where from any cause the sheriff cannot act, the circuit clerk shall act in his place. The appointed commissioners shall be at least twenty-five years of age and shall be qualified electors of the county from which they are appointed. One commissioner shall be appointed from each of the two political parties that polled the largest number of votes in the state at the last preceding election for state officers or presidential electors. If lists of five names are designated to the state board in writing by the county executive committees of the parties, the appointments shall be made from those lists. If there are two or more contending executive committees of the same party in the county, the committee that is recognized by the state central committee, by written certificate of the

chairman thereof, shall be recognized by the state board in making the appointments. The county commissioners shall qualify by taking, before the county clerk, an oath faithfully to perform their duties according to law. The clerk shall make a certificate of the oath and file it in his office. Vacancies shall be filled by appointment by the state board from the names already designated, and the person appointed to fill the vacancy shall be of the same political party as his predecessor.

Section 2. Whereas, it is to the interest of the people of the Commonwealth of Kentucky that this Act take effect prior to the 1958 primary election, an emergency is declared to exist and this Act shall become effective immediately upon approval by the Governor.

HB 139: AN ACT relating to motor transportation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.010 of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) The term "person" means any individual, firm, partnership, corporation, company, association or joint stock association, and includes any trustee, assignee, or personal representative thereof;

(2) The term "department" means the Department of Motor Transportation;

(3) The term "city" means a municipality incorporated under the laws of this state;

(4) The term "state" means the Commonwealth of Kentucky;

(5) The term "highway" means all public roads, highways, streets and ways in this state, whether within a municipality or outside of a municipality;

(6) The term "certificate" means a certificate of public convenience and necessity issued under this chapter to common carriers by motor vehicle and a certificate issued to irregular route common carriers authorizing their operation thereunder;

(7) The term "permit" means a permit issued under this chapter to contract carriers by motor vehicle and to persons engaging in the business of U-Drive-It;

(8) The term "interstate commerce" means commerce between any place in a state and any place in another state;

(9) The term "intrastate commerce" means commerce between any place in this state and any other place in this state.

Section 2. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) The term "carrier" or "motor carrier" means any person who owns, controls, operates, manages, or leases, except persons leasing to

authorized carriers, any motor vehicle for the transportation of persons or property for hire upon any highway, and any person who engages in the business of U-Drive-It. It shall include common and contract carriers by motor vehicle, city and suburban buses, drive-aways and U-Drive-Its;

(2) The term "motor vehicle" means any motor propelled vehicle used for the transportation of persons or property for hire on a public highway, including any such vehicle operated as a unit in combination with other vehicles, and including vehicles propelled by electric power obtained from overhead wires whether operating over rails or otherwise;

(3) The term "common carrier" means any person who holds himself out to the general public to engage in the transportation by motor vehicle of persons or property in intrastate or interstate commerce over regular routes, except that persons holding irregular route common carrier authority granted by the Interstate Commerce Commission, taxicabs, and local cartage vehicles are not required to move over regular routes;

(4) The term "irregular route common carrier" means any person who holds himself out to the general public to engage in the transportation by motor vehicle over irregular routes of specific commodities which have been, or will be, designated by the department as exempted commodities, including specific commodities removed from the exempted commodity list by the department where the right to engage in the transportation of same has been properly grandfathered into the appropriate authority under the applicable statutes.

(5) The term "contract carrier" means any person who, under individual contracts or agreements, engages in the transportation, other than transportation referred to in subsections (3) and (4) by motor vehicle of passengers or property in interstate or intrastate commerce;

(6) The term "driver" or "chauffeur" means the person physically operating the motor vehicle.

(7) The term "regular seat" means a seat ordinarily and customarily used by one passenger and in determining such seating capacity the manufacturer's rating may be considered.

Section 3. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Suburban area" means territory wholly within the State of Kentucky which extends not more than two air miles beyond the corporate limits of any municipality and one mile additional for each fifty thousand population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the suburban area of each such contiguous or adjoining municipality; provided, however, the department may,

from time to time, upon a showing as hereinafter provided, authorize and permit the holder of a suburban bus certificate to extend its operations beyond the territorial limits of any such city or cities for a distance not to exceed ten air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a suburban bus certificate;

(2) "Commercial area" means territory wholly within the Commonwealth which extends not more than two air miles beyond the corporate limits of any municipality and one mile additional for each fifty thousand population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the commercial area of each such contiguous or adjoining municipality; provided, however, the department may, from time to time, upon a showing, as hereinafter provided, authorize and permit the holder of a certificate authorizing the transportation of property to extend its operations beyond the territorial limits of any such city or cities for a distance not to exceed ten air miles, if said department finds:

(a) That the territory proposed to be served adjoins or is contiguous to said city; and

(b) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a certificate authorizing the transportation of property;

Section 4. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) (a) A "city bus certificate" means a certificate granting authority only for the operation of motor vehicles transporting passengers for hire between points within the corporate limits of a city and over regular routes;

(b) A "city bus" is a motor vehicle operated under one or more city bus certificates;

(c) The term "city bus license" means a license plate issued for a bus authorizing its operation under one or more city bus certifi-

cates or a combination of city bus certificates and suburban bus certificates;

(2) A "suburban bus certificate" means a certificate granting authority only for the operation of motor vehicles carrying passengers for hire within the confines of either one or more cities and their suburban area, or a suburban area, over regular routes but not granting authority to engage in intracity transportation.

(b) A "suburban bus" is a motor vehicle operated under one or more suburban bus certificates.

(c) The term "suburban bus license" means a license plate issued for a bus authorizing its operation under one or more suburban bus certificates;

(3) (a) An "industrial bus certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting employes of a given industry or industries for hire to and from their place of employment;

(b) An "industrial bus" is a motor vehicle operated under an industrial bus certificate;

(c) The term "industrial bus license" means a license plate issued for a bus authorizing its operation under an industrial bus certificate;

Section 5. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) (a) The term "taxicab certificate" means a certificate granting authority only for the operation of a given number of motor vehicles transporting passengers for hire, the principal operation of which is confined to the corporate limits of one city and its suburban area, and not operating over any regular route, and the destination of which motor vehicles are designated by the passengers at the time of such transportation;

(b) A "taxicab" is a motor vehicle operated under one or more taxicab certificates, and is a vehicle designed or constructed to transport not more than six passengers exclusive of the driver;

(c) The term "taxicab license" means a license plate issued to a taxicab authorized to operate under a taxicab certificate;

(2) (a) An "airport limousine certificate" means a certificate granting authority only for the operation of motor vehicles exclusively transporting passengers or baggage for hire over regular routes between points within a city or its suburban area and an airport;

(b) An "airport limousine" is a motor vehicle operated under one or more airport limousine certificates;

(c) The term "airport limousine license" means a license plate issued for a motor vehicle authorizing its operation under one or more airport limousine certificates;

(3) (a) The term "local cartage certificate" means a certificate granting authority only for the operation of motor vehicles exclu-

sively engaged in the transportation of property for hire between points within a city or within a city and its commercial area;

(b) A "local cartage vehicle" is a motor vehicle operated under a local cartage certificate;

(4) The term "U-Drive-It" means any person who leases or rents a motor vehicle for a consideration to be used for the transportation of persons or property, but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property for hire by the leasee or rentee;

(5) The term "Driveaway" means the transporting and delivering of motor vehicles, except semitrailers, and trailers, whether destined to be used in either a private or for-hire capacity, under their own power or by means of a full mount method, saddle mount method, the tow bar method or any combination of them over the highways of this state from any point of origin to any point of destination for-hire. The transportation of such vehicles by the full mount method on trailers or semitrailers shall not be included in the term.

Section 6. Section 281.605 of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

The provisions of this chapter shall not apply, except as to the safety regulations, to:

(1) Motor vehicles used as school buses and while engaged in the transportation of students, under the supervision and control and at the direction of school authorities;

(2) Motor vehicles, regardless of ownership, used exclusively:

(a) For the transportation of agricultural and dairy products, including fruit, livestock, meats, fertilizer, wood, lumber, cotton, products of grove or orchard, poultry and eggs, while owned by the producer of the products, including landlord where the relation of landlord and tenant or landlord and cropper is involved, from the farm to a market, warehouse, dairy or mill, or from one market, warehouse, dairy or mill to another market, warehouse, dairy or mill; or

(b) For the transportation of agricultural and dairy products, livestock, farm machinery, feed, fertilizer, and other materials and supplies essential to farm operation, from market or shipping terminal to farm; or

(c) For both the purposes described in subparagraphs (a) and (b) of this paragraph; or

(d) For the transportation of agricultural and dairy products from farm to regularly organized fairs and exhibits and return;

(3) Motor vehicles used exclusively as church buses and while operated in the transportation of persons to and from a church or place of worship or for other religious work under the supervision and control and at the direction of church authorities;

(4) Motor vehicles used exclusively in transporting materials,

supplies and equipment for the construction, reconstruction or maintenance of any public highways, road or street in this state;

(5) Motor vehicles used exclusively for the transportation of property belonging to a nonprofit cooperative association or its members where the vehicle is owned or leased exclusively by the association;

(6) Motor vehicles owned in whole or in part by any person and used by such person to transport petroleum products and those incidental supplies used or sold in connection with the wholesale or retail sale of such petroleum products of which petroleum products or incidental supplies, such person is the owner, lessee, consignee, or bailee; provided, however, that such transportation is for the purpose of sale, lease, rent or bailment, and is an incidental adjunct to an established private business owned and operated by such person in the furtherance of any commercial enterprise other than the business of transportation of property for hire.

Section 7. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

The following vehicles operated by a carrier or motor carrier shall be exempt from the tax imposed by KRS 281.810 and KRS 281.813; motor vehicles registered under subsection (3) of KRS 186.050 or motor vehicles owned by any person not a resident of this state and duly registered under the laws of any other state, which when operated in this state are used exclusively for the transportation of property for hire, or as a U-Drive-It, within the corporate limits of the city named in the affidavit hereinafter required to be filed or within ten miles of the limits of such city if such city is a city of the first, second, third or fourth class, or within five miles of the limits of such city if such city is a city of the fifth or sixth class. Operation outside of this state shall not be considered in determining whether or not this exemption applies. When claiming exemption under this section, the carrier shall file with the department an affidavit stating that the motor vehicle when used in this state is to be used only for the transportation of property within the city named in the affidavit and the area above set out, and that the vehicle will not be used outside of such city and the area above set out during the current registration period. The carrier shall furnish such other information as may be required by the rules and regulations of the department, and shall otherwise be subject to the provisions of KRS Chapter 281 and the rules and regulations of the Department of Motor Transportation.

Section 8. Section 281.617 of the Kentucky Revised Statutes is amended to read as follows:

Every certificate exclusively authorizing the transportation of property, except local cartage certificates, shall be so construed as to authorize the holder thereof to serve the commercial area of any

point or points authorized to be served by the certificate, provided, however, that nothing herein shall be construed to obviate or remove any specific restriction or limitation presently existing in any such certificate, and such limitation or restriction shall remain in full effect. And further provided that nothing herein shall be so construed as to permit the holder of a common carrier certificate authorizing operations over regular routes to pick up and deliver freight having its origin and destination in a single city and its commercial area.

Section 9. Section 281.625 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the filing of an application for a certificate or permit or for amendment or for sale, transfer or lease or for change in route or for abandonment of a certificate or permit, the department shall, within a reasonable time, fix the time and place for a hearing. At least thirty days before the hearing, the department shall mail written notice of the hearing, and of the right to file a protest, in accordance with the regulations of the department, to the applicant and every authorized carrier, including railroads, serving any part of the route proposed to be served or abandoned by the applicant. The department may also give similar notice to any person, who, in the opinion of the department, may be interested in or affected by the granting of the application.

(2) At the time fixed in the notice the department shall hold a public hearing on the application. Any person having interest in the subject matter may, in accordance with the regulations prescribed therefor, file a protest to the granting, in whole or in part, of the application.

(3) The department, may, if the application is solely for rights previously granted by the Interstate Commerce Commission, dispense with the holding of a hearing.

(4) Persons engaged in the transportation in interstate commerce in Kentucky of any commodity exempted by the Interstate Commerce Commission from regulation shall be subject to the same Kentucky requirements and regulations as if such persons were transporting commodities not exempted by the Interstate Commerce Commission, except that in lieu of filing or registering with the department a certificate of public convenience and necessity as issued by the Interstate Commerce Commission, such persons shall apply to the department for a permit or certificate restricted to interstate commerce and such a permit or certificate may be issued without a hearing.

(5) If such applicant has been granted an irregular route common carrier certificate by the Interstate Commerce Commission, the department may grant an irregular route common carrier certificate restricted to operation in interstate commerce, and on the granting of same, it shall notify the Department of Revenue of the applicant's operation.

(6) The department shall promulgate regulations designating as exempted commodities those commodities of property which are normally and usually not transported by common carriers by motor vehicle and may grant an irregular route common carrier certificate upon application, to transport only such exempted commodities without the holding of a hearing; and the department shall also have the power to remove any commodity so designated at any time with a hearing.

(7) The department may grant a permit, upon application, to operate a U-Drive-It without the holding of a hearing.

Section 10. Section 281.626 of the Kentucky Revised Statutes is amended to read as follows:

In the event a hearing be held by the department upon an application for a U-Drive-It permit, the question for determination shall be the fitness, willingness and ability of the applicant, and whether the operation proposed is bona fide.

Section 11. Section 281.630 of the Kentucky Revised Statutes is amended to read as follows:

(1) A certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operation covered by the application, if it is found that the applicant is fit, willing and able properly to perform the service proposed and to conform to the provisions of this chapter and the requirements and the rules and regulations of the department thereunder, and further that the existing transportation service is inadequate, and that the proposed service, to the extent to be authorized by the certificate, is or will be required by the present or future public convenience and necessity, and that the proposed operation, to the extent authorized by the certificate, will be consistent with the public interest and the transportation policy declared in this chapter; otherwise such application shall be denied, provided, however, that nothing herein shall be construed so as to require the department to give, to any existing carrier authorized to render service to, from or between, any point on the route proposed to be served by the applicant, any notice regarding the quality or quantity of its service to, from or between such points or to require the department to give to such existing carrier any opportunity to improve its existing service or to render the service found to be needed before the issuance of a certificate to the applicant.

(2) In granting a certificate, the order, among other things, shall specify the route or routes of service and territory to be served, provided that where the certificate to be granted specifies a route or routes or portion of a route or routes common to a certificate or certificates authorizing the same type of operation held by the applicant, all such certificates shall constitute but a single operating authority over that portion of the route or routes common to the certificates. The order granting a certificate shall not limit the number of vehicles to

be operated by the motor carrier except that, in the granting of a certificate for the operation of taxicabs, the order shall specify the maximum number of taxicabs to be operated thereunder.

(3) A carrier shall be entitled to have issued to it by the department as many certificates, and of such types, as will cover its entire authorized operation.

(4) A permit shall be granted to any qualified applicant therefor authorizing in whole or in part the operations covered by the application, if it appears from the application and the hearing held thereon that the applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of this chapter and the lawful requirements, rules and regulations of the department thereunder, and that the proposed operation to the extent authorized by the permit will be consistent with the public interest and the transportation policy declared in this chapter, and that it will not unreasonably impair the efficient public service of any authorized common carrier then adequately serving the same territory, and if it further appears that the existing transportation service is inadequate, and that it appears that the proposed service is needed; otherwise such application shall be denied. The department shall specify in the permit the business of the contract carrier covered thereby and the scope thereof, and shall attach to it at the time of issuance, and from time to time thereafter, such reasonable terms, conditions and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the department.

(5) Amendment or change of route or abandonment of a certificate or permit shall be granted upon the same basis that an original certificate or permit is granted.

(6) Any certificate or permit may be sold, assigned, leased or transferred, after a hearing and notice to interested parties as provided for in KRS 281.625, provided the transferee is fit, willing and able to render the proposed service unless it would be against the public interest, and provided further that the commissioner may approve the sale and transfer of a certificate for the operation of taxicabs without a hearing if, after due notice of the proposed sale or transfer is given to all interested parties in accordance with the rules and regulations of the department, no protest is filed to the proposed sale or transfer and the commissioner believes that it will be in the public interest.

(7) For the purpose of this section, a transfer of the controlling stock of a corporation owning a certificate or permit may be considered a transfer of said certificate or permit.

(8) Upon the consummation of a merger or consolidation of motor carriers as effected under the provisions of KRS Chapter 271,

the surviving or new corporation, as the case may be, shall own and possess all the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties owned or possessed by each of such motor carriers; and if such merger or consolidation is set aside, the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties acquired by the surviving or new corporation through the merger or consolidation shall become revested in the corporation from which acquired, unless disposed of, subject to such indebtedness and liens as may be equitable, and all other properties of the surviving or new corporation shall become vested in the constituent corporation in such manner as may be fair and equitable.

(9) (a) Notwithstanding the provisions of subsection (3) of this section, where a motor carrier has been granted two or more certificates or permits authorizing the same type of operation over a route or routes or a portion of a route or routes common to two or more of the certificates or permits, the carrier shall be deemed to possess only one operating authority over that portion of the routes common to the certificates or permits.

(b) The department is authorized to recall any certificates and to reissue one or more certificates covering the exact authority.

Section 12. Section 281.665 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any bona fide motor carrier or its successor operating city buses as of December 31, 1949, under a valid certificate, franchise, statute, authorization, or in bona fide operation on said date, shall be entitled to such certificate or certificates and of such type or types as are defined in this chapter that cover their operations as of December 31, 1949.

(2) Any holder of any other type of valid certificate or permit issued prior to June 15, 1950, shall be entitled, upon renewal, to such certificates or permits, as the case may be, that will grant the holder thereof the same authority that the certificates or permits held on June 15, 1950, granted.

(3) All certificates or permits grandfathered shall be subject to the same limitations and restrictions as were imposed on such certificate or permit, and if the validity of any certificate or permit issued by the Division of Motor Transportation was in litigation on December 31, 1949, and is finally held to be invalid, then such certificate or permit shall not be grandfathered.

(4) Any person operating a motor vehicle exclusively engaged in the transportation of property for hire between points within a city or between such city and its commercial area, as of December 31, 1953, or who has purchased such an operation which was being so operated, upon filing a verified application, supported by documentary evidence showing that said operation has been actual and continuous since said date, upon approval of the department, pursuant to a hearing,

shall be entitled to such local cartage certificate or certificates, as the proof may warrant.

(5) Any person engaged, as of December 31, 1953, in the operation of an airport limousine business may, upon application, be entitled to such certificate or certificates of such type or types as are defined in this chapter to cover their airport limousine operations as of December 31, 1953, and if the department so desires, it may require a hearing upon any such application to establish the applicant's rights thereunder.

(6) Any person engaged, as of December 31, 1953, in the operation of a U-Drive-It business may, upon application, be entitled to such certificate or certificates of such type or types as are defined in this chapter to cover their U-Drive-It operations as of December 31, 1953, and if the department so desires, it may require a hearing upon any such application to establish the applicant's rights thereunder.

(7) Whenever the department, in the exercise of its powers pursuant to KRS 281.625, shall cease to designate any given commodity or commodities as an exempted commodity, any motor carrier operating as of the date of the department's action pursuant to a certificate or permit authorizing the transportation of such commodity or commodities, may be entitled to such authority as will thereafter authorize continuation of the same operation which was being conducted at the time of the department's action in removing the item or items.

(8) All certificates or permits grandfathered shall be subject to the same limitations and restrictions as were formerly imposed on such certificates or permits and if the validity of any certificate or permit issued by the department was or is in litigation at the time of its grandfathering date, and is finally held to be invalid, then such certificate or permit shall not be grandfathered.

(9) Any holder of any other type of valid certificate or permit issued prior to the effective date of this Act shall be entitled, upon renewal, to such certificates or permits, as the case may be, that will grant the holder thereof the same authority that was granted by the certificates or permits held on the effective date of this Act.

Section 13. Section 281.675 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every rate, fare and charge demanded or received by any common carrier or irregular route common carrier shall be just and reasonable, and every such carrier shall furnish adequate, efficient, safe and reasonable service.

(2) Every contract made by a contract carrier for transportation service shall be just and reasonable, and shall be comparable to the rate charged by any common carrier, and such contract carrier shall furnish adequate, efficient, safe and reasonable service.

Section 14. Section 281.680 of the Kentucky Revised Statutes is amended to read as follows:

(1) Under rules and regulations prescribed by the department, every common carrier or irregular route common carrier shall maintain on file with the department a schedule of rates, fares, charges and classifications, and a time schedule, if any, of all motor vehicles operated under a certificate, and shall keep open for public inspection at designated offices so much of such schedules as the department deems necessary for public information.

(2) Under rules and regulations prescribed by the department, every contract carrier shall maintain on file with the department all contracts made for transportation, and shall keep open for public inspection at designated offices such contracts as the department deems necessary for public information.

(3) No schedule of rates need be filed for the transportation of any commodity that has been exempted by the department, except that the department may require the filing of a schedule of rates.

(4) The department shall have full power concerning the control of rates and contracts under its rules and regulations.

Section 15. Section 281.685 of the Kentucky Revised Statutes is amended to read as follows:

(1) No common carrier or irregular route common carrier shall charge, demand, collect or receive a greater, less or different compensation for the transportation of persons or property or for any service in connection therewith, than the rates, fares and charges specified in its tariffs and classifications filed with the department and in effect at the time; nor shall any common carrier or irregular route common carrier refund or remit any part of the rates, fares or charges so specified, or make or give any unreasonable preference or advantage to any person, or subject any person to any unreasonable discrimination.

(2) No contract carrier shall charge, demand, collect or receive a greater, less or different compensation for the transportation of persons or property or for any service in connection therewith than that contained in the contract required to be filed with the department and in effect at the time; nor shall any contract carrier refund or remit any part of the charges specified in the contract, or make or give any unreasonable preference or advantage to any person, or subject any person to any unreasonable discrimination.

Section 16. Section 281.690 of the Kentucky Revised Statutes is amended to read as follows:

(1) No common carrier or irregular route common carrier shall make any change in any rate that has been duly established under this chapter except after thirty days' notice to the department, which notice shall state plainly the changes proposed to be made and the proposed effective date of such change. The carrier shall also give notice of the proposed change to other interested persons in such manner as the department directs in its rules and regulations. All proposed changes shall be shown by filing new tariffs in the form and

manner prescribed by the department. The department may, in accordance with regulations prescribed therefor, upon the showing of good cause, provide for the allowance of a change in rates by holders of certificates authorizing only transportation of property upon notice less than that herein specified.

(2) Whenever any tariff setting forth a change in rates is filed, the department may, upon its own initiative, and shall, upon protest filed in accordance with the regulations of the department, enter upon a hearing concerning the lawfulness of the proposed rate. At least thirty days before the hearing the department shall mail written notice of the hearing to the applicant, the protestant and to any other person who, in the opinion of the department, may be interested in or affected by the proposed change in rates. The department may suspend the operation of the new rates for a period of not more than six months from the proposed effective date by order, giving reasons therefor. If after the hearing the department finds the proposed rate, or any part thereof, to be unjust, unreasonable, or unjustly discriminatory, or in violation of law, the department shall determine the just and reasonable rate to be charged and shall fix the same by order.

(3) No contract carrier shall make any change in its contract filed with the department except upon the approval of the department.

Section 17. Section 281.780 of the Kentucky Revised Statutes is amended to read as follows:

(1) An appeal to the Franklin Circuit Court may be taken from any final order of the department by anyone who was a party to the proceedings before it.

(2) In the case of an appeal wherein a certificate or permit has been issued or amended or revoked or suspended or sold or transferred, the certificate or permit or its amendment shall remain in force until final disposition of the appeal.

(3) An appeal may be taken by filing a petition of appeal with the Clerk of the Franklin Circuit Court within twenty days after the rendition of the final order of the department. The petition shall state completely the grounds upon which the review is sought and shall assign all errors relied upon. The appellant shall furnish a copy of the petition to each person who was a party to the hearing before the department. Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen days after service of summons. The department shall, upon being served with the summons, and within thirty days thereafter, file a copy of the record, duly certified by the commissioner, the cost of such record to be taxed as costs upon appeal. In lieu of filing of such record, an abstract thereof may be filed if agreed to by all parties to the hearing.

Section 18. Section 281.835 of the Kentucky Revised Statutes is amended to read as follows:

To carry out the declaration of policy provided for in KRS 281.590, the department may enter into reciprocity agreements with other jurisdictions whereby motor vehicles, as defined in KRS 186.010 and subsection (2) of Section 2 hereof, while operating into or through the Commonwealth of Kentucky in interstate commerce and properly licensed in another state, shall be exempt in whole or in part from registration fees under KRS Chapter 186 and the weight tax or mileage tax and seat tax under this chapter, provided like or similar privileges are granted motor vehicles, as defined in KRS 186.010 and subsection (2) of Section 2 hereof, properly licensed in this state.

Section 19. A new section of Chapter 281 of the Kentucky Revised Statutes is hereby created to read as follows:

Every dealer in motor trucks or tractors to be used in combination with semi-trailers who engages in the practice of transporting property for hire for demonstration purposes shall pay to the department an annual excise tax based on the gross weight of the motor vehicle so demonstrated an amount equal to the weight tax imposed by KRS 281.810. The Department shall issue a metal license plate designated "dealer demonstration." The use of such tag shall be limited to demonstration purposes, and the tag may be transferred from one vehicle to another. The department may adopt regulations governing the use and transfer of such license tags.

Section 20. This Act shall become effective on July 1, 1958.

Calendar

HB 159, HB 160, HB 313, HB 85, HB 307, SB 327, HB 369, SB 339, SB 334, SB 89, SB 338, SB 333, SB 335, SB 294, SB 331, SB 330, SB 336, SB 185, SB 186, SB 313, SB 343, SR 15, SR 13, SR 11, HB 129 were taken from the Calendar and ordered read at length for the second time. Senator Bassett moved that they be read by title only. Agreed by a majority of the members elected. Ordered placed in the Orders of the Day.

Recess

Senator Bassett moved that the Senate recess for ten minutes. Agreed. At the appointed hour, the President of the Senate called the Senate to order.

Report of Committees

Senator Bassett moved to suspend the Rules for the purpose of making a committee report. Agreed.

The Rules Committee reported **SB 349** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 349: AN ACT relating to aeronautics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 183.010 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

As used in Chapter 183 unless the context otherwise requires:

(1) "Civil Aeronautics Administration" shall mean that agency or board of the United States government empowered to regulate interstate commerce by aircraft.

(2) "Commissioner" means the Commissioner of the Department of Aeronautics.

(3) "Department" means the Department of Aeronautics, the statutory administrative department of the Commonwealth of Kentucky.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) "Aeronautics" means the science and art of flight and including, but not limited to transportation by aircraft; the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing, and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair or maintenance of airports or other air navigation facilities; and instruction in flying or ground subjects pertaining thereto.

(2) "Aircraft" means any contrivance now known, or hereafter invented, used or designed for navigation of or flight in the air.

(3) "Air navigation" means the operation or navigation of aircraft in the air space over this state, or upon any airport within this state.

(4) "Air navigation facility" means any facility other than one owned or controlled by the United States, used in, available for use in, or designed for use in, aid of air navigation, including airports and any structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(5) "Airport" means any area, of land or water, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport building or other airport facilities, and all appurtenant rights of way, whether theretofore or hereinafter established.

(6) "Airport board" or "board" means a board appointed as provided in KRS 183.140 or KRS 183.390.

(7) "Airport facilities" includes land, buildings, equipment, runways and other improvements and appurtenances necessary or proper for the establishment and maintenance of airports.

(8) "Airport hazard" means any structure, object or natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such landing or taking off.

(9) "Approach zone" means that area extending from the end of an airport runway in an inclined plane and increasing in elevation at a given ratio of horizontal to vertical feet, and which area may be more particularly identified and described by reference to the Airport Approach Plan or Airport Approach Standards incorporated into the zoning ordinance regulating the airport approaches.

(10) "Civil aircraft" means any aircraft other than a public aircraft.

(11) "Charter operator" means all persons who transport or seek to transport persons or property in intrastate commerce for hire on unscheduled service and not between fixed points.

(12) "Common carrier" shall include all carriers for hire or compensation by air who operate, or seek to operate, over fixed routes or between fixed termini within the Commonwealth of Kentucky.

(13) "Development" and "airport development" mean:

(a) Any work involved in planning, designing, constructing, improving or repairing a public airport or portion thereof, including the construction, alteration and repair of airport buildings and the removal, lowering, relocation and marking and lighting of airport hazards; and

(b) Any acquisition of land, or any interest therein, or of any easement through or other interest in air space which is necessary to permit any such work or to remove, mitigate, prevent or limit the establishment of airport hazards and expenses incident to the carrying out of KRS 183.761 to 183.772.

(14) "Navigable air space" means air space above the minimum altitudes of flight prescribed by the regulations of the Civil Aeronautics Administration or Department consistent therewith, and includes the air space necessary for normal landing or take off of aircraft.

(15) "Operation of aircraft" or "operate aircraft" means the use, navigation or piloting of aircraft in the airspace over this state or upon any airport within this state. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control as owner, lessee, or otherwise of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of the statutes of this state.

(16) "Overhead line" means any cable, pipeline, wire or similar substance of any kind or description.

(17) "Permit" means a permit issued by the Department.

(18) "Public aircraft" means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(19) "Public airport" means any airport which is used or to be used for public purposes under the control of a public agency, the landing area of which is publicly owned.

(20) "Public use airport" means any airport in the state airport plan open for use by the general public, not including a private airport used primarily for the benefit of the owner.

(21) "State airport plan" means the plan of the department for the development of public and certain private airports for the benefit of the people of this State.

(22) "State airway" means a route in the navigable airspace over the lands or waters of this state, designated by the department as a route suitable for air navigation.

(23) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smoke-stacks, and overhead transmission lines.

(24) "Tree" includes object of natural growth.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) "City" (except in KRS 183.140 to 183.220) means any city of the second, third, fourth, fifth or sixth class, and "city and county" means a city and county jointly acquiring an airport under KRS 183.370.

(2) "Governmental unit" means any city, or the combination of any two or more thereof, or any county, or combination of two or more such counties, city or cities, acting jointly with any county or counties.

(3) "Ordinance", in the case of a county, means resolution of the county legislative body.

(4) "State" or "this state" means the Commonwealth of Kentucky.

(5) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Section 4. Where a city and county are acting jointly any action contemplated by KRS 183.630 or 183.740 to be taken by the legislative body of the governmental unit shall be taken by an ordinance of

the city legislative body and parallel or companion resolution of the county legislative body.

Section 5. Section 183.032 of the Kentucky Revised Statutes is amended to read as follows:

(1) Processes and proceedings under KRS 183.010 to 183.740 shall be as summary and simple as possible. The department, or any employee thereof, for the purpose of KRS Chapter 183, may subpoena witnesses; administer or cause to have administered, oaths; and examine, or cause to have examined, such parts of the books and records of the parties to a proceeding as relate to the question under consideration.

(2) The sheriff shall serve all subpoenas of the department and shall receive from the department the same fee as provided by law for like service in civil actions.

(3) Each witness who appears in obedience to such subpoena shall receive for attendance the fees and mileage for witnesses in civil cases in the circuit court to be paid by the party at whose request the witness was subpoenaed.

(4) The circuit court shall, on application of the department or any officer thereof, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records.

Section 6. Section 183.050 of the Kentucky Revised Statutes is amended to read as follows:

No person shall navigate an aircraft unless he and it are licensed and registered by the Civil Aeronautics Administration.

Section 7. Section 183.070 of the Kentucky Revised Statutes is amended to read as follows:

No license other than that prescribed by the Civil Aeronautics Administration for aircraft or pilots shall be required within this state. The department may require that all aircraft, or pilots operating aircraft frequently or regularly from any airport within this state, shall register with the department, but no fee shall be imposed for such registration.

Section 8. Section 183.080 of the Kentucky Revised Statutes is amended to read as follows:

The department may promulgate air traffic rules applicable to the operation of aircraft within the state, but the rules shall be in conformity with the air traffic rules adopted by the Civil Aeronautics Administration as nearly as possible and insofar as applicable. The department may also promulgate such other rules not in conflict with the Civil Aeronautics Administration regulations necessary for safe, adequate and convenient operation of airports, air navigation, air transportation and all matters relating to said functions.

Section 9. Section 183.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall cause all airport facilities in the state to be inspected to determine the safety and adequacy of such facilities. No person shall operate any aircraft for hire from an airport declared unfit by the department.

(2) In determining whether it shall issue a certificate of approval or license for the use or operation of any proposed airport, the department shall take into consideration its proposed location, size, layout, safety of operations, the relationship of the proposed airport to a comprehensive plan for state-wide and nation-wide development, whether the adjoining area is free from obstructions based on a proper glide ratio, the nature of the terrain, the nature of the uses to which the proposed airport will be put, and the possibilities for future development.

(3) The department is empowered to temporarily or permanently revoke any certificate of approval or license issued by it when it shall determine that an airport or other navigation facility is not being maintained or used in accordance with the provisions of KRS 183.010 to 183.740 and the rules and regulations promulgated pursuant thereto.

Section 10. Section 183.100 of the Kentucky Revised Statutes is amended to read as follows:

No person shall operate any aircraft within the state in any form of navigation whatsoever in violation of the air traffic rules promulgated by the department. For enforcement purposes department personnel shall have access at all reasonable times to appropriate books, records and logs of any person operating aircraft in the state.

Section 11. Section 183.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner and officers and employees of the Department designated by order of the commissioner shall be peace officers and may arrest any person found violating any provision of this Chapter with respect to operation of aircraft.

(2) The commissioner, in his discretion, may commission any official or employee of airport board or governmental unit as law enforcement officers and such persons so commissioned shall have all of the powers of peace officers in respect to the enforcement of this Chapter and rules and regulations promulgated by the airport board or governmental unit.

Section 12. Section 183.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department may acquire or dispose by contract, purchase, lease, donation, condemnation or otherwise, airports, buildings, runways, grounds and other facilities suitable for airport purposes

and the proper safeguards to flying where such acquisition or disposal, shall reasonably inure to the benefit of the state.

(2) The department may make additions and improvements to such airports, or facilities and either alone or with the cooperation of others provide personnel, heat, light, water, fuel, telephone service, drainage, runways, fueling facilities, and other costs of operation and maintenance, including insurance, and may bear the expense of removal or change of obstructions that menace air travel.

(3) The department may enter into contracts of lease for land or facilities to which title is vested in the Commonwealth with any city, political subdivision or person for the furtherance of the purposes of KRS 183.020 to 183.130. All rents or revenues derived from such contracts of lease shall become the property of the department to be expended by it in carrying out the purpose of KRS 183.020 to 183.130.

(4) The department may give such advice and assistance, including financial aid, engineering and technical assistance within the limits of its resources as it deems advisable, to enable any governmental unit or board to acquire, construct, expand, maintain and operate airports or otherwise assist in the development of aeronautics within their limits. Such aid may include the exercise of the department's power of eminent domain, if such usage is requested by the governmental unit or board. Where such eminent domain powers are utilized title to acquired property may vest in the governmental unit.

Section 13. Section 183.121 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department may designate, design, establish, expand, or modify a state airways system which will best serve the interests of the state. It may chart such airways systems and arrange for publication and distribution of such maps, charts, notices and bulletins relating to such airways as may be required in the public interest. The system shall be supplementary to and coordinated in design and operation with the federal airways system. It may include all types of air navigation facilities, whether publicly or privately owned, provided that such facilities conform to federal safety standards.

(2) The department shall annually, or as often as it deems necessary, prepare and publish a State Airport Plan for the purpose of coordinating and effecting a state and national system of airports. The department shall, in the preparation of said plan, take into consideration the local needs for an airport, the state and national systems of airports, the commercial air transportation system, and any program inaugurated by the Federal government to render aid for the development of airports.

(3) It may participate as party plaintiff or defendant, or as intervener on behalf of the state, any air board, governmental unit or other person in any controversy involving any right of the state or others pertaining to aeronautics.

(4) To enforce the provisions of this chapter the department may in addition to all other remedies institute and prosecute injunctive proceedings without the execution of a bond.

Section 14. Section 183.122 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Where necessary, in order to provide unobstructed air space for the landing and taking off of aircraft utilizing airports acquired or operated under the provisions of this Chapter, the Department is hereby granted authority to acquire, in the same manner as is provided for the acquisition of property for airport purposes, easements through or other interests in air space over land or water, interests in airport hazards outside the boundaries of the airports and such other airport protection privileges, together with rights of ingress and egress thereto and therefrom, as are necessary to insure safe approaches to the landing areas of said airports and the safe and efficient operation thereof. The Department is authorized to acquire, in the same manner, the right or easement, for a term of years or perpetually, to place or maintain suitable marks for the daytime marking and suitable lights or marks for the night marking of airport hazards, including the right of ingress and egress to and from such airport hazards for the purpose of maintaining and repairing such lights and marks.

(2) The commissioner may, by order, authorize any airport board or governmental unit to acquire, with the full power of the Commonwealth, in the same manner as is provided for the acquisition of property for airport purposes by such governmental unit, any of the interests, easements, airport protection privileges, interests in air space, rights, or hazard marking privileges described in sub-section (1) of this section, or any real or personal property. Any condemnation proceeding which may be necessary for such acquisition, if filed under this sub-section, shall be filed in the name of the Commonwealth on relation of the Commissioner of Aeronautics, and of the airport board or governmental unit making such acquisition.

(3) The authority granted in sub-section (1) and (2) of this section shall not be so construed as to limit the right, power, or authority of the state or any municipality or governmental unit to zone property adjacent to any airport pursuant to any law of this state.

Section 15. Section 183.123 of the Kentucky Revised Statutes is amended to read as follows:

The acquisition of any lands for the purpose of establishing airports or other air navigation facilities; the acquisition of any airport protection privileges; the acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, and operation of airports and other air navigation facilities, whether by the state separately or jointly with any governmental unit thereof; the assistance of the state in any such acquisition, establishment, construction, enlargement, improvement, maintenance, equipment, and operation;

and the exercise of any other powers of the department as set out in this chapter are hereby declared to be public and governmental function exercised for a public purpose, and matters of public necessity, and such lands and other property and privileges acquired and used in the manner and for the purposes enumerated in this chapter shall and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

Section 16. Section 183.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department is the proper agency of the state to accept and receive financial or other aid from the United States Government for the acquisition, construction, maintenance and operation of airports, air markings and other air navigational aids or otherwise in carrying out the promotion of aviation, whether the work is to be done by the state or at the expense of cities or governmental units aided by grants or aids from the United States.

(2) When acquisition or construction of airports or other facilities is made at the joint expense of governmental units and the United States Government, the department shall, on behalf of such governmental units, accept and receipt for any money paid over by the United States Government and forthwith pay such money over to the governmental units under the terms and conditions imposed by the United States Government in making the grants.

Section 17. Section 183.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) In each county in which there is a city of the first class there shall be a by-partisan board composed of six members, known as the (name of city) and (name of county) Air Board. The board shall be a body politic and corporate with the usual corporate attributes, and in its corporate name may sue and be sued, contract and be contracted with, and do all things reasonable or necessary to effectively carry out the duties contemplated by KRS 183.140 to 183.210.

(2) The members of the board shall be appointed jointly by the mayor of the first class city and the county judge and shall be selected equally from the two political parties casting the highest and next highest number of votes at the last preceding general election.

(3) Members of the board shall serve for terms of four years each, and until their successors are appointed and qualified, provided, however, that upon the next appointment or re-appointment following the effective date of this Act the terms of the appointed members shall be as follows: two for two years, two for three years and two for four years. Upon the expiration of these staggered terms successors shall be appointed for a term of four years. The members shall be bona fide residents of the county.

Section 18. Section 183.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) The purpose of the board shall be to establish, maintain, operate and expand necessary airport and air navigation facilities. It shall have the duty and such powers as may be necessary or desirable to promote and develop aviation including air transportation, airports and air navigation facilities.

(2) The board shall establish and fix reasonable rates, charges and fees for the use of the airport and airport or air navigation facilities. In leases or other contractual agreements for the use or occupancy of such facilities with commercial vendors, concessionaires, air carriers or other persons the rate or charge shall, among other factors, be based upon the total capital investment by the board, federal, state and governmental units in the facility and that portion of the facility utilized by the lessee or contracting party or its customers, and the volume and type of business activity performed.

Section 19. Section 183.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) Members of the board shall serve without compensation but shall be allowed any reasonable expenses incurred by them in the conduct of the affairs of the board. The board shall, upon the appointment of its members, organize and elect officers. It shall elect a chairman from its members to serve for one year, and it shall annually elect thereafter a chairman.

(2) The board shall employ necessary counsel, agents and employees to carry out its work and functions, and prescribe such rules and regulations as it deems necessary.

Section 20. Section 183.170 of the Kentucky Revised Statutes is amended to read as follows:

The board may acquire by contract, lease, purchase, gift, condemnation or otherwise any real or personal property, or rights therein, necessary or suitable for establishing, operating or expanding airports and air navigation facilities. The board may erect, equip, operate and maintain on such property, buildings and equipment necessary and proper for airport or air navigation facilities.

Section 21. Section 183.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board may by resolution reciting that property is needed for purposes contemplated by KRS 183.150 direct the condemnation of such property and property rights therein.

(2) The procedure for condemnation shall conform to the procedures set out in KRS 416.120 or, in the alternative, as nearly as practicable to the provisions of KRS 177.081 to 177.089.

Section 22. Section 183.190 of the Kentucky Revised Statutes is amended to read as follows:

In order to provide money for the purchase of property necessary for the establishment or expansion of airports and to construct, equip

and maintain buildings necessary or suitable for airport purposes, the legislative body of any governmental unit owning or operating an airport may make an annual appropriation from its general fund; or such governmental unit may make an annual levy to collect a tax not exceeding three cents on each one hundred dollars' worth of taxable property situated in the governmental unit as determined by the last regular assessment in the governmental unit.

Any appropriation shall be made by the legislative body in such amounts, in such proportion and upon such terms as the legislative body may determine. All funds derived from such appropriation or tax shall be turned over to the airport board, if any, for the purposes set forth in KRS 183.150, 183.370 or 183.390. Monies so appropriated may be paid over to the board by the governmental unit in regular monthly installments.

Section 23. Section 183.200 of the Kentucky Revised Statutes is amended to read as follows:

The board may borrow money on its own credit in anticipation of revenue to be derived from taxes and other income, and for such purposes the board may pledge the taxes or appropriations, if any, authorized under KRS 183.190.

Section 24. Section 183.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any city of the second, third, fourth, fifth, or sixth class, or any county, or any such city jointly with the county in which it is located, may acquire, either by lease, purchase, gift, condemnation or otherwise, any land necessary or suitable for establishing or expanding airports within or without the limits of such city or county. Such governmental units may erect, equip, operate, maintain and expand buildings, equipment, runways and other facilities necessary or proper for the establishment and maintenance of airports.

(2) The airport board established by the governmental unit, or, in the event there is no airport board, the governmental unit may by resolution direct the condemnation of any property, including navigation or other easements, necessary or suitable for establishing, maintaining or expanding airports or air navigation facilities.

(3) The procedure for the condemnation shall conform to the procedures set out in KRS 416.120 or in the alternative, as nearly as practicable to KRS 177.081 to 177.089.

(4) All airports already acquired by cities or counties or cities and counties mentioned in sub-section (1) shall be subject to the provision of KRS 183.370 to 183.470.

Section 25. Section 183.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) The city or county or city and county may by ordinance or resolution provide for the appointment of an airport board composed

of six members who shall have authority to establish, construct, maintain, expand, manage, operate and control the airport. The legislative body of the city or county or the city and county shall by adoption of an ordinance or resolution, prescribe the rules and regulations by which the board shall be governed so as to carry out the intent and purpose of KRS 183.370 to 183.470.

(2) The members of the airport board shall be citizens, taxpayers and legal voters of the county, and no member of the board shall be interested directly or indirectly in any contract for the furnishing of supplies or of service of any kind to the airport.

(3) The first airport board appointed shall serve for terms as follows: Two for one year, two for two years, and two for three years. Upon the expiration of the first terms, successors shall be appointed terms of four years. In the case of an airport jointly owned by a city and county the members shall be appointed so that the terms of one city member and one county member shall expire simultaneously.

(4) If at any time during his term of office any member of the airport board becomes a candidate for nomination or is elected or appointed to any public office, he shall automatically vacate his membership and another person shall be appointed to serve for the remainder of his term, or until a successor has been appointed; appointment shall be made by the appointing authority who made the original appointment.

Section 26. Section 183.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) The airport board shall be a body politic and corporate with the usual corporate attributes, and in its corporate name may sue and be sued, contract and be contracted with, promote and develop aviation including air transportation, airports and air navigation facilities, and do all things reasonable or necessary to effectively carry out the work contemplated by KRS 183.390 to 183.460.

(2) The airport board may make and adopt its own by-laws, rules and regulations, not inconsistent with those of the legislative body creating it, for the orderly, efficient and economic operation of the airport.

(3) Members of the airport board shall serve without compensation unless by ordinance or resolution a salary is fixed, in which event the salary of each member shall not exceed three hundred dollars per year. Members shall be allowed, however, any reasonable expenses incurred by them in conducting official duties. The board shall employ necessary counsel, agents and employees to carry out its duties and functions.

Section 27. Section 183.430 of the Kentucky Revised Statutes is amended to read as follows:

The board if any, or governmental unit shall establish rules for the use of airports and reasonable rates, charges or fees for the use

of the airport and airport or air navigation facilities. In leases or other contractual agreements for the use or occupancy of such facilities with commercial vendors, concessionaires, air carriers or other persons, the rate or charge shall, among other factors, be based upon the total capital investment by the board, federal, state and governmental units in the facility and that portion of the facility utilized by the lessee or contracting party or its customers, and the volume and type of business activity performed. The airports shall be policed in the manner determined by the governmental unit.

Section 28. Section 183.440 of the Kentucky Revised Statutes is amended to read as follows:

The board or governmental unit may contract with any person or governmental agency for the use of the airport. Such contract shall not prevent, restrict or hamper the general use of the airport by the public.

Section 29. Section 183.450 of the Kentucky Revised Statutes is amended to read as follows:

All unpledged or surplus revenue derived from use of the airport shall be first applied to the maintenance of the airport, and the governmental unit may expend funds for this purpose out of its general funds or any other available funds.

Section 30. Section 183.475 of the Kentucky Revised Statutes is amended to read as follows:

All counties in this state located on the boundary line between this state and any other state, or which are contiguous to such counties, as well as all governmental units which are located in such boundary counties, or contiguous counties, are hereby authorized, separately, jointly with each other or jointly with any other municipality of political subdivision of any such boundary state to acquire, equip, construct, expand, lease, improve, police and operate airports within this state or either within or without the geographical limits of any county, municipality or political subdivision of any such boundary state.

Section 31. Section 183.480 of the Kentucky Revised Statutes is amended to read as follows:

Where airports have been established by any person, such person may file an application with the department submitting to the jurisdiction of and agreeing to comply with the requirements and regulations of the department, authorized by this chapter with respect to publicly-owned airports. Thereupon the department shall cause said airport to be inspected, and if it conforms to the standards of public airports established by said regulations, the department shall then approve said application and issue an airport license; and said airport shall be deemed to be established, and to be within the jurisdiction

of said department, to the same extent as public airports under said chapter are so subject.

Section 32. Section 183.490 of the Kentucky Revised Statutes is amended to read as follows:

The department, with the consent of the owner of a private airport, may, by resolution, reciting that any lands or property adjoining an airport are needed for purposes of establishing or expanding the airport and related facilities, direct the condemnation of such property. Whereupon, condemnation proceedings shall be conducted in the name of the department at the expense of the person owning or operating said airport, and the procedure for condemnation shall conform to the procedure set out in KRS 416.120. The department shall have no liability for the result of such proceedings, and all costs, damages and compensation awarded shall be paid by the owners or operators of such airport. Title shall vest in the person owning the airport. Such airport shall be a public use airport.

Section 33. Section 183.500 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any airport operator within the jurisdiction of the department shall have the right to extend and improve any runway of such airport, over and across any county road, or passway not heretofore designated by the Kentucky State Highway Department as a part of the primary road system of the Commonwealth, in such manner as to not unreasonably obstruct by such construction, the passage of vehicles on such road or passway. In the event any such runway is so extended or constructed, the public using such road shall be entitled to the same protection in the use of said road as in cases where public roads cross railroads; the operator of said airport at its expense shall restore to its former condition, as nearly as may be, any such road across which it has constructed its runway, to the full width of said runway, and at least one hundred feet on each side thereof.

(2) An automatic signal by bell or whistle upon said road, or passway, installed at least fifty rods from the said runway, which device shall ring or sound continuously or alternately, while any aircraft is using any part of said runway, shall be provided by the operator of the airport, and at his expense. The operator of the airport shall cause signal boards to be placed and constantly maintained on any such road or passway one hundred feet from the place where the runway crosses any such road, which boards shall be substantially supported, and shall be placed so as to be seen easily by travelers, and not to obstruct travel, and shall bear on each side in capital letters at least five inches high, the words "DANGER, AIRPORT CROSSING, STOP, LOOK AND LISTEN FOR AIRCRAFT"; provided, however, that nothing herein shall allow the construction of any runway over any hard-surfaced or improved highway, nor any road constituting a part of the primary road system of the state.

Section 34. Section 183.530 of the Kentucky Revised Statutes is amended to read as follows:

It is hereby declared to be the purposes and policy of the legislature in enacting KRS 183.530 to 183.620 to confer upon the department the power and authority and to make it a duty to supervise and regulate the transportation of persons and property for hire by aircraft operating in intrastate commerce between termini located within the Commonwealth of Kentucky.

Section 35. Section 183.540 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person seeking to engage in the operation of a common carrier in intrastate commerce of persons or property by aircraft, shall first obtain a certificate of public convenience and necessity from the department in accordance with the provisions of this section and KRS 183.550 to 183.590. All certificates issued to common carriers shall automatically grant to such common carriers the right to conduct charter operations that originate at a point on said carrier's route to any other point in the state, and return. Any such certificate shall be null and void unless the person to whom the certificate is granted shall in good faith, begin and continue to operate under the terms of the certificate.

(2) If it appears from the application that the applicant is a holder of a certificate of public convenience and necessity issued by the Civil Aeronautics Board and that the applicant is operating between two or more points in this state pursuant to such certificate, the department shall forthwith issue to the applicant an intrastate certificate of public convenience and necessity authorizing the applicant to engage in transportation by air of persons and property between all of the points in this state between which the applicant is authorized to operate by the terms of its interstate or federal certificate.

(3) Any person engaged or seeking to engage in the air transportation of persons or property in intrastate commerce for hire on an unscheduled basis and not between fixed points shall first obtain a charter permit from the department. Upon filing of an application for a charter permit the department shall cause notice of such filing to be given by mail not less than thirty days before granting such application, addressed to all air common carriers and all holders of charter permits and applicants therefor whose operations or proposed operations would be affected by the granting of the permit and upon any other person deemed by the department to have an interest in such application.

(4) If no objection to the granting of such permit is filed with the department within thirty days after the mailing of the notice, the department may proceed informally, in accordance with such rules and regulations as it may adopt, and grant or deny such application

in whole or in part and upon such terms and conditions as the public interest may require.

(5) If objection is filed and a hearing requested by an interested party, the department shall set the application down for hearing and disposition in accordance with the procedure set forth in KRS 183.560, 183.570 and 183.620.

Section 36. Section 183.550 of the Kentucky Revised Statutes is amended to read as follows:

All applications for an intrastate certificate of public convenience and necessity shall be in the form prescribed by the department and shall contain such information as the department may require. Such applications shall be accompanied by a filing fee of twenty-five dollars, proof of insurance and all other things required by law and regulations of the department.

The department is empowered to levy reasonable charges for the use of state air routes and airways in compensation for expenses incurred by the department in administering the provisions of KRS 183.530 to 183.620, not to exceed, however, two percent of the gross receipts from intrastate business of the carrier, and the annual total of such charges shall not exceed twenty-five thousand dollars.

Section 37. Section 183.560 of the Kentucky Revised Statutes is amended to read as follows:

When an application for an intrastate common carrier certificate of public convenience and necessity has been filed, the department shall fix a time and place for hearing thereon and shall cause notice of the filing of such application and of the hearing thereon to be given by mail not less than thirty days, exclusive of the date of mailing, before such hearing, addressed to all holders of intrastate certificates and interstate certificates issued by the Civil Aeronautics Board as well as intrastate certificate applicants therefor whose operations or proposed operations would be affected by the grant of the proposed certificate, and upon any other person deemed by the department to have an interest in such proceeding. Notice shall also be given to the mayors of all cities on the requested route. All interested persons shall have the right to intervene and to participate in all proceedings either in person or by attorney.

Section 38. Section 183.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department is hereby vested with the power and authority and it is hereby made its duty upon the filing of an application for a certificate of public convenience and necessity to hear and determine under such rules and regulations as it may promulgate whether the public convenience and necessity require such proposed service.

(2) The department shall issue a certificate authorizing the whole or any part of the transportation requested by the application if it

finds the applicant is fit, willing and able to perform such transportation properly and to conform to applicable provisions of this chapter and the rules, regulations and requirements of the department hereunder, and that such transportation is required by the public convenience and necessity; otherwise such application shall be denied.

(3) The department may also issue a certificate to engage in temporary air transportation for such limited periods as may be required by the public convenience and necessity if it finds after notice and hearing that the applicant is fit, willing and able to perform such transportation and to conform to the provisions of this Act and the rules, regulations and requirements of the department hereunder.

(4) Each certificate issued hereunder shall specify the terminal and intermediate points between which the carrier is authorized to provide air transportation and the service to be rendered, and the department may impose such reasonable terms, conditions and limitations as the public interest may require.

(5) Each certificate shall be effective from the date specified therein and shall continue in effect until suspended, surrendered or revoked as hereinafter provided, or until the department shall certify that operation thereunder has ceased. If issued for a limited or temporary period of time the certificate shall continue in effect until the expiration thereof.

(6) The department, upon petition or complaint, or upon its own initiative, after notice and hearing, may alter, amend, modify or suspend any such certificate in whole or in part if the public convenience and necessity so require, or may revoke any such certificate in whole or in part for failure to comply with any provision of this chapter or any order, rule or regulation issued hereunder or any term, condition or limitation of such certificate.

(7) No certificate may be transferred except upon proper application and hearing and approval by the department as being consistent with the public interest.

(8) No air carrier shall abandon any route or part thereof for which a certificate has been issued by the department unless, upon application of such carrier, after notice and hearing, the department shall find such abandonment to be in the public interest. Any interested person may intervene and be heard in opposition or support of such abandonment. The department may by order, regulation or otherwise authorize such temporary suspension of service as may be in the public interest.

(9) No certificate shall confer any property, proprietary or exclusive right in the use of any airspace, airport, state airway or other air navigation facility.

(10) No certificate shall be required for the transportation of United States mail unless passengers or freight are also transported.

(11) The jurisdiction of the department shall extend only to common carriers engaged in, or who seek to engage in, intrastate

commerce. Orders of the department shall be served upon all parties to said proceedings and shall become effective as determined by the department. Any party to such hearing may, upon proper petition, be granted a rehearing if such petition is filed within thirty days after the issuance of the order. Upon granting of any rehearing the department may suspend prior orders until the petition for rehearing is determined.

Section 39. Section 183.580 of the Kentucky Revised Statutes is amended to read as follows:

All common carriers subject to KRS 183.530 to 183.620 shall before engaging in business file with the department and keep open to public inspection at its offices and stations schedules showing all rates, fares and charges for transportation of passengers, or property between different points on its route or routes, and also between points on its own route and on the routes of other common carriers when a through route and joint rate have been established. No intra-state common carrier shall accept or receive any person or property for transportation until the requirements of KRS 183.530 to 183.620 have been complied with and no such carrier shall charge, demand, collect, or receive a greater or less or different remuneration for such transportation, or for any service in connection therewith than the rates, fares and charges which have been legally established and filed with the department; nor shall any such carrier refund or remit in any manner or by any device, any portion of the rates, fares and charges so established when service is rendered in accordance with published tariffs. The department is vested with the power and authority to supervise, regulate and fix, alter and determine just, fair, reasonable and sufficient rates, fares, charges and classifications. No order of the department affecting rates, fares and charges shall issue except after notice and hearing on the same and any interested party may appear and take part in any such proceedings either in person or by attorney.

Section 40. Section 183.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or specific rules, regulations and procedures pursuant to and consistent with the provisions of KRS 183.530 to 183.620 as it shall deem necessary to carry out such provisions and to exercise and perform its powers and duties under KRS 183.530 to 183.620.

(2) The department is empowered to confer with or to hold joint hearings with any other state or federal agency in connection with any matter arising under KRS 183.530 to 183.620, and to avail itself of the cooperation, services, records and facilities of such agencies, state or federal, as fully as may be practicable in the administration and enforcement of KRS 183.530 to 183.620.

(3) No certificate or charter permit shall be issued until there has been filed with the department a good and sufficient indemnity bond or insurance policy issued by some surety or insurance company or other insurance carrier duly authorized to transact business as such within this state, which shall provide such terms, conditions and provisions and in such penal sums in such a maximum amount, if any, as the department may deem necessary for the reasonable protection of the patrons and of the public in the collection of damages for which the carrier may be liable by reason of the operation under such certificate.

Section 41. Section 183.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) The applicant or the holder of any certificate shall have the right of an appeal from any action of the department by filing within forty days after the rendition of the order of the department a petition of appeal with the clerk of the Franklin Circuit Court. Such petition shall state completely the grounds upon which the review is sought, and shall assign all errors relied on and shall be accompanied by a copy of the record certified by the department, or an abstract thereof, if agreed to by all parties to the hearing before said department.

(2) The person appealing shall furnish copies of the petition to each person who is a party to the hearing before such department.

(3) Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen days after service thereof.

(4) No new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of KRS 183.530 to 183.620, or affecting the order, ruling or award, but the court shall otherwise hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether or not:

- (a) The department acted without or in excess of its power;
- (b) The order, decree or award was secured by fraud;
- (c) The order, decision or award is not in conformity with provisions of KRS 183.530 to 183.620; or
- (d) The finding of facts in issue is not supported by any substantial evidence.

(5) The department and each party shall have the right to appeal in such review proceedings. The court shall enter judgment confirming, modifying or setting aside the order, decision or award, or in its discretion remanding the case to the department for proceedings in conformity with direction of the court.

(6) The court may advance a judgment, and upon a sufficient showing of facts, remand the cause to said department.

(7) Any party may appeal from the decision of the circuit court to the Court of Appeals of Kentucky. Such appeals from the order of the department or to the Court of Appeals shall have precedence over other cases pending.

Section 42. Section 183.751 of the Kentucky Revised Statutes is amended to read as follows:

It is hereby found and declared that an airport hazard endangers the lives and property of users of the airport and of occupants of land in the vicinity, and in effect reduces the size of the area available for landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein, and therefore such hazards are not in the interest of the public health, public safety or general welfare.

Section 43. Section 183.752 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every governmental unit may adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for any airport owned or operated by it, which regulations shall divide the area surrounding the airport into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow. In adopting or revising any such zoning regulations, the governmental unit shall consider, among other things the safety of airport users and surface persons and property, the character of the flying operations expected to be conducted at the airport, the nature of the terrain, the height of existing structures and trees above the level of the airport, the possibility of lowering or removing existing obstructions, and the views of the Civil Aeronautics Administration as to the aerial approaches necessary to safe flying operations at the airport.

(2) In the event that a governmental unit has adopted, or hereafter adopts, a general zoning ordinance regulating, among other things, the height of structures and trees, any airport zoning regulations adopted for the same area or portion thereof under KRS 183.750 to 183.758 may be incorporated in and made a part of such general zoning regulations, and be administered and enforced in connection therewith, but such general zoning regulations shall not limit the effectiveness or scope of the regulations adopted under KRS 183.750 to 183.758.

(3) Any two or more governmental units may agree, by ordinance duly adopted, to create a joint board and delegate to said board the powers conferred in KRS 183.750 to 183.758 to promulgate, administer and enforce airport zoning regulations to protect the aerial approaches of any airport owned or operated by the said governmental unit. Such joint boards shall have as members two representatives appointed by the chief executive officer of each governmental unit participating in

the creation of said board. The board shall elect a chairman from its membership.

(4) The jurisdiction of each governmental unit is hereby extended to the promulgation, administering and enforcement of airport zoning regulations to protect the approaches of any airport which is owned by said governmental unit but located wholly or partially outside the corporate limits of said governmental unit. In case of conflict with any airport zoning or other regulations promulgated by any other governmental unit, the regulations adopted pursuant to this sub-section shall prevail.

(5) All airport zoning regulations adopted under KRS 183.750 to 183.758 shall be reasonable, and none shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as provided in sub-section (1) of KRS 183.753.

Section 44. Section 183.754 of the Kentucky Revised Statutes is amended to read as follows:

(1) No airport zoning regulations shall be adopted, amended, or changed under KRS 183.750 to 183.758 except by action of the legislative body of the governmental unit in question, the joint board provided for in KRS 183.752 or the department as hereinafter provided, after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. At least fifteen days notice of the hearing shall be published in an official paper or a paper of general circulation in the governmental unit in which the airport is located.

(2) The legislative body of any governmental unit adopting airport zoning regulations under KRS 183.750 to 183.758 may delegate the duty of administering and enforcing such regulations to any administrative agency under its jurisdiction or may create a new administrative agency to perform such duty, but such administrative agency shall not be, nor include any member of, the board of appeals. The duties of such administrative agency shall include that of hearing and deciding all permits under sub-section (1) of KRS 183.753, but such agency shall not have or exercise any of the powers delegated to the board of appeals.

(3) In the event of the failure of the legislative body of the governmental unit to adopt airport zoning regulations the department may, if requested by the airport board having jurisdiction of the airport, after notice and hearing as provided by this Chapter, adopt and promulgate such regulations for such airport. In promulgating such regulations the department shall be guided and controlled by the provisions of KRS 183.752 to 183.757, and the procedures set forth herein shall be applicable.

After adoption of such zoning regulations by the department, the governmental unit shall administer and enforce such regulations in accordance with the authority set forth in KRS 183.752 to 183.758. In the event the legislative body of the governmental unit fails after a reasonable period of time to administer and enforce such regulations, the department, in conformity with the provisions of KRS 183.752 to 183.758 insofar as is practicable, may by regulation administer and enforce such zoning regulations. Members of any boards or agencies authorized to administer and enforce such zoning regulations shall be citizens of the governmental unit affected.

Section 45. Section 183.757 of the Kentucky Revised Statutes is amended to read as follows:

In any case in which it is desired to remove, lower, or otherwise terminate a nonconforming use; or the approach protection necessary cannot, because of unconstitutional limitations, be provided by airport zoning regulations under KRS 183.750 to 183.758; or it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the governmental unit within which the property or nonconforming use is located or the airport board or governmental unit owning the airport or served by it may acquire, by purchase, grant, condemnation or otherwise in the manner provided by KRS 416.120, such air right, easement, or other estate or interest in the property or nonconforming use in question as may be necessary to effectuate the purposes of KRS 183.750 to 183.758.

Section 46. Section 183.758 of the Kentucky Revised Statutes is amended to read as follows:

In addition to the penalty prescribed by sub-section (3) of KRS 183.990, the governmental unit or agency adopting zoning regulations under KRS 183.750 to 183.757 may institute, in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of KRS 183.750 to 183.757, or of any airport zoning regulations adopted thereunder, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, which may be through mandatory injunction, or otherwise, as may be proper under all the facts and circumstances of the case, to fully effectuate the purposes of KRS 183.750 to 183.757 and of the regulations adopted and orders and rulings made pursuant thereto.

Section 47. Section 183.763 of the Kentucky Revised Statutes is amended to read as follows:

The department may contract with a board, governmental unit or other person, and a board or governmental unit may contract with the department or any person in regard to the development of airports and other aeronautical matters.

Section 48. Section 183.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person violating any of the provisions of KRS 183.020 to 183.130 with respect to operation of aircraft shall be fined not less than ten dollars nor more than one hundred dollars or imprisoned not more than ninety days or both.

(2) Every person coming within the provisions of KRS 183.530 to KRS 183.620 and every officer, agent or employes of the holder of any certificate issued under KRS 183.530 to 183.620 and every other person who violates or causes, aid or abets any violation, of any order, rule or regulation lawfully issued pursuant to the authority granted by KRS 183.530 to 183.620 shall, upon conviction, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars. The prosecution may be had in the circuit court of any county in which the offense or any part thereof shall have occurred.

(3) Each violation of KRS 183.750 to 183.757 or of any order, rule or regulation promulgated pursuant thereto shall be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars or imprisonment for not more than thirty days, or both, and each day a violation continues to exist shall constitute a separate offense.

Section 49. Sections 183.060, 183.520, 183.610, 183.750 and 183.760 of the Kentucky Revised Statutes are repealed.

Orders of the Day

SR 45 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Hamilton moved that **SR 45** be adopted by voice vote. Agreed, and said resolution so adopted.

SB 142 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Johnson moved the Previous Question on **SB 142**. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

SB 142 was passed and the title agreed to.

SR 79 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time.

Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved the Previous Question on **SR 79**. Agreed.

On roll call, the vote was: Yeas, 26—Anggelis, Bassett, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kidwell, Knuckles, Lucas, Melton, Miller, Overbey, Reuscher, Robinson, Ware, Warinner, Willis; Nays, 3—Blue, Freeman, Young.

SR 79 was passed and the title agreed to.

SB 303 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved the Previous Question on **SB 303**. Agreed.

On roll call, the vote was: Yeas, 28—Anggelis, Bassett, Blake, Blue, Cornett, C. H. Davis, Duffy, Duncan, Fields, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Warinner; Nays, 3—Clay, Francis, Ware.

Senator Robinson moved to amend the title of **SB 303**.

Amend title of **SB 303** to read as follows:

AN ACT relating to highway improvement, to be known as the Ed Warinner, J. E. Johnson, Paul Jackson, Ed J. Kelly, H. Stanley Blake, Chas. H. Davis, M. B. Fields, A. E. Cornett, L. M. Greene, D. C. Knuckles, Fred Lucas, Jerry Fonce Howell Bill.

Agreed by voice vote.

SB 303 was passed and the title agreed to.

HB 470 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 470**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 3—Byers, Clay, Reuscher.

HB 470 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

House Message

Announcing passage of **HR 117, HB 132, HB 231, HB 561, HB 562.** Ordered that said bills and resolution be referred.

SB 201 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 201.** Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, McCann, Overbey, Reuscher, Robinson, Warinner, Willis, Young; Nays, 0.

SB 201 was passed and the title agreed to.

SB 247 taken from the Orders of the Day. Senator Bassett moved that consideration of said bill be deferred and that it retain its place in Orders of the Day. Agreed.

SB 248 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Knuckles moved the Previous Question on **SB 248.** Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, McCann, Melton, Miller, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 248 was passed and the title agreed to.

Senator Knuckles moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 264 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Warinner moved the Previous Question on **SB 264.** Agreed.

On roll call, the vote was: Yeas, 21—Anggelis, Bassett, Blake, Byers, Cornett, C. H. Davis, Duncan, Fields, Francis, Greene, Hamilton, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, Robinson, Van Hoose, Warinner; Nays, 14—Blue, Bonn, Clay, Duffy, Freeman, Hickerson, Kidwell, McCann, Melton, Miller, Reuscher, Ware, Willis, Young.

SB 264 was passed and the title agreed to.

Senator Warinner moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 267 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Howard moved the Previous Question on **SB 267**. Agreed.

On roll call, the vote was: Yeas, 27—Anggelis, Bassett, Blake, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duncan, Fields, Francis, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, Reuscher, Robinson, Van Hoose, Warinner, Willis; Nays, 4—Duffy, McCann, Miller, Young.

SB 267 was passed and the title agreed to.

SB 286 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 286**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 286 was passed and the title agreed to.

SB 287 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the adoption of a Committee Amendment to **SB 287**.

Amend printed copy of **SB 287** on page 2 and 3, section 5, lines 1-9 by deleting Section 5 in its entirety.

Adopted by voice vote.

Senator Bassett moved the Previous Question on **SB 287** as amended. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Howard, Howell, Johnson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 287 was passed and the title agreed to.

SB 291 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 291**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 291 was passed and the title agreed to.

SB 306 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Howard moved the Previous Question on **SB 306**. Agreed.

On roll call, the vote was: Yeas, 3—Howard, Kidwell, Lucas; Nays, 1—Byers.

SB 306 did not pass.

SB 307 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved the Previous Question on **SB 307**. Agreed.

On roll call, the vote was: Yeas, 28—Anggelis, Bassett, Blake, Bonn, Cornett, Mrs. J. H. Davis, Duffy, Fields, Francis, Greene, Hamilton, Howard, Howell, Jackson, Johnson, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 2—Blue, Freeman.

SB 307 was passed and the title agreed to.

Senator Overbey moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 309 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Howell moved the Previous Question on **SB 309**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Willis, Young; Nays, 0.

SB 309 was passed and the title agreed to.

Senator Howell moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 310 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Miller moved the Previous Question on **SB 310**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hickerson, Howell, Johnson, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Warinner, Young; Nays, 2—Hamilton, Jackson.

SB 310 was passed and the title agreed to.

Senator Miller moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Motions

Senator Ware moved to suspend the Rules for the purpose of making a motion. Agreed.

Senator Ware moved that since Senator Gates Young had formerly served as a senate employee and was now serving as a member of the Senate that he be made Honorary Page Emeritus. Agreed.

Orders of the Day

SB 315 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Howell moved the Previous Question on **SB 315**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, McCann, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Warinner, Willis; Nays, 0.

SB 315 was passed and the title agreed to.

SB 308 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 308**. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey,

Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 308 was passed and the title agreed to.

SB 319 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 319**. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 319 was passed and the title agreed to.

SB 321 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 321**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 321 was passed and the title agreed to.

SB 326 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Anggelis moved the Previous Question on **SB 326**. Agreed.

On roll call, the vote was: Yeas, 19—Anggelis, Bassett, Bonn, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Lucas, McCann, Melton, Richmond; Nays, 13—Blue, Byers, Clay, Kidwell, Knuckles, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Willis, Young.

SB 326 was passed and the title agreed to.

House Message

Announcing passage of **HB 174**, **HB 133**. Ordered that said bills be referred.

Orders of the Day

Senator Bassett moved that **HB 133** be considered and moved concurrence in House Amendment to **HB 133**. Adopted by voice vote.

Amend printed copy of **HB 133** on page 2, section 1 (2), line 14 by inserting after the word "first" and before the word "class" the words "or second".

Senator Bassett moved the Previous Question on **HB 133** as amended in the House. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

Senator Howell moved concurrence in House Amendment to the title of **HB 133**.

Amend title of **HB 133** to read as follows:

"This shall be known as the Lyon Act."

HB 133, as amended, was passed and the title agreed to.

SB 329 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 329**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blake, Bonn, Byers, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Ware, Warinner, Willis; Nays, 0.

SB 329 was passed and the title agreed to.

SB 318 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Richmond moved the Previous Question on **SB 318**. Agreed.

On roll call, the vote was: Yeas, 26—Anggelis, Bassett, Byers, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Knuckles, Lucas, McCann, Miller, Overbey, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 4—Bonn, Clay, Kidwell, Reuscher.

SB 318 was passed and the title agreed to.

SB 304 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time.

Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Richmond moved that Committee Amendment No. 1 to **SB 304** be adopted.

Amend printed copy of **SB 304** on pages 1 and 2, section 1, lines 13 to 17 by deleting, after the word "year" in line 13, the following: "Any child who becomes six years of age by December 30 following the opening of school may enter school, provided that he passes a reading readiness test developed by the Board of Education and given by a first grade teacher, with the exception that"

Adopted by voice vote.

Senator Richmond moved that Committee Amendment No. 2 to **SB 304** be adopted.

Amend printed copy of **SB 304** on page 2, section 1, line 17 by capitalizing the letter "i" in the word "in"

Adopted by voice vote.

Senator Richmond moved the Previous Question on **SB 304**. Agreed.

Senator McCann moved that **SB 304** be tabled. Agreed by voice vote.

Senator Warinner moved that the vote by which said bill was tabled be reconsidered and said motion be laid on the table. Agreed.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 112**, **HB 147**, **HB 149**, **HB 187**, **HB 202**, **HB 250**, **HB 340** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Senator Bassett moved adjournment until 1:00 p.m., Friday, March 14, 1958. Agreed.

FRIDAY, MARCH 14, 1958

FIFTY-FOURTH LEGISLATIVE DAY

The Senate was called to order by the President, Lieutenant Governor Harry Lee Waterfield.

Prayer by the Reverend Samuel Blackard of the Episcopal Church of Frankfort.

The roll was called. All members present.

The reading of the Journal for Thursday, March 13, 1958, dispensed with and the same approved on motion of Senator Bassett.

Motions

Senator Anggelis moved that the vote by which **SB 306** was defeated on March 13, 1958 be reconsidered. Agreed by voice vote.

Senator Anggelis moved that **SB 306** be recommitted to the Rules Committee. Agreed by voice vote.

Senator Johnson moved that Colin R. Young and Sheryl Phillips be made Honorary Pages of the Senate. Agreed.

Senator Anggelis moved that Peggy O'Connor and Marilyn Back be made Honorary Pages of the Senate. Agreed.

Introductions

SR 90, by Senator Anggelis: A RESOLUTION memorializing Congress to establish three time zones within the continental limits of the United States.

WHEREAS, great confusion has resulted in many areas of the United States where the existing time zones are designated and great inconvenience has been experienced by the citizens of the Commonwealth of Kentucky because the Eastern and Central Time Zones meet within the Kentucky boundaries;

WHEREAS, the establishment of an Eastern Time Zone extending from the Atlantic Ocean to the Mississippi River, a Central Time Zone from the Mississippi to the Rocky Mountains and a Western Time Zone from the Rockies to the Pacific Ocean would simplify our present intricate system of time zones;

WHEREAS, this system would be more reasonable in light of our present modes of travel and would simplify the calculation of time differential throughout the nation and facilitate the schedules of commercial traffic;

WHEREAS, the creation of this system would eliminate many of the problems now existing in the fringe areas of the several states where time zones are now located and lead to less confusion in these areas;

NOW, THEREFORE,

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Congress of the United States by the exercise of its legislative powers bring about more specific area standardization of time throughout the Nation.

Section 2. That such standardization be based upon three time zones, the Eastern from the Atlantic Ocean to the Mississippi River, the Central from the Mississippi River to the Rocky Mountains, the Western from the Rockies to the Pacific Ocean.

Section 3. That the Clerk of the Senate cause copies of this Resolution to be sent to the President of the United States Senate, the Speaker of the House of Representatives and to each of the Senators and Representatives of the Commonwealth of Kentucky now serving in the Congress.

Senator Anggelis moved the Previous Question on **SR 90**. Agreed by voice vote.

Senators Anggelis and Miller requesting a roll call on the Previous Question motion, it was so ordered.

On roll call, the vote was: Yeas, 18—Anggelis, Bassett, Bonn, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Howard, Jackson, McCann, Melton, Miller, Overbey, Richmond, Robinson, Van Hoose, Young; Nays, 8—Blue, Clay, Freeman, Greene, Hickerson, Lucas, Reuscher, Willis.

SR 90 was adopted.

Senator Anggelis moved that the vote by which said resolution was passed be reconsidered and said motion be laid on the table. Agreed.

Senator McCann assumed the Chair.

SB 351, by Senator Warinner: AN ACT relating to elections.

SB 352, by Senator Kelly: AN ACT relating to cold checks.

SB 353, by Senator Fields: AN ACT relating to workmen's compensation.

SB 354, by Senator Greene: AN ACT relating to the registration of voters.

Report of Committees

The Rules Committee reported **SB 346**, **SB 82**, **SR 68**, **SR 69**, **SR 85**, **SB 332**, **HB 5**, **HB 13**, **HB 26**, **HB 49**, **HB 60**, **HB 71**, **HB 73**, **HB 76**, **HB 96**, **HB 102**, **HB 103**, **HB 104**, **HB 120**, **HB 132**, **HB 151**, **HB 152**, **HB 154**, **HB 174**, **HB 208**, **HB 209**, **HB 215**, **HB 216**, **HB 217**, **HB 231**, **HB 241**, **HB 276**, **HB 278**, **HB 279**, **HB 280**, **HB 283**, **HB 284**, **HB 303**, **HB 308**, **HB 309**, **HB 310**, **HB 312**, **HB 338**, **HB 350**, **HB 351**, **HB**

352, HB 353, HB 357, HB 377, HB 426, HB 427, HB 447, HB 448, HB 466, HB 480 with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 346: AN ACT relating to state retirement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 61.525 of the Kentucky Revised Statutes is amended to read as follows:

(1) All persons who become employes of a participating department after the date such department first participates in the system; and

(2) All persons who are employes of a department on the date the department first participates in the system, either in service or on authorized leave from service, and who elect prior to the October 1 next following such department's participation, or in the case of persons on authorized leave, within 90 days of their return to active service, to become members and thereby agree to make contributions as provided in KRS 61.510 to 61.700.

(3) All persons seventy-five years of age or over who, have served in any capacity as an employe or officer of the state prior to the enactment of KRS 61.510 to 61.700 shall be credited with such service to the extent not now covered. Such service shall include, but not be limited to, the offices of circuit judge and Commonwealth's Attorney, whether elected or specially appointed, presidential electors and members of the General Assembly.

SB 82: AN ACT relating to construction and maintenance of streets, making appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) There shall be a special fund in the Department of Highways for the use of cities of all classes in the construction and maintenance of streets and appurtenances thereto.

(2) For the purposes of this Act, and no other purpose, streets of all classes of cities shall be considered part of the general highway system of the Commonwealth. No liability for damages arising in connection with street construction and maintenance is imposed on the Commonwealth by virtue of this Act or its administration.

Section 2. To obtain state funds, a city shall submit to the Department of Highways plans for street construction or maintenance. If the Commissioner of Highways finds such plans to be in the best interest of vehicular traffic and that the city has taken adequate steps to insure execution of its plans, he shall authorize payment to the city of an amount determined by him to be proper on the basis of the need

for such improvements and the city's proportionate share of the total mileage of city streets within the Commonwealth. He shall promulgate reasonable regulations for administration of the fund.

Section 3. The sum of \$5,000,000 is appropriated to the Department of Highways out of the State Road Fund for the 1958-1959 fiscal year for the purposes of this Act, and the sum of \$5,000,000 is likewise appropriated for the 1959-1960 fiscal year.

SR 68: A RESOLUTION authorizing the personal representative of the estate of Harriet Rodman Roche to sue the Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, or either of them.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the personal representative of the estate of Harriet Rodman Roche be and she is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them in the Rowan Circuit Court, for such amount for wrongful death as will represent the damages to the estate of Harriet Rodman Roche, deceased.

Section 2. The said suit shall be for an amount not exceeding \$30,000.00.

Section 3. That the action herein authorized and permitted may be brought in the Rowan Circuit Court, same being the Circuit Court having jurisdiction in Rowan County, Kentucky, the county in which the accident occurred resulting in the death of Harriet Rodman Roche.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Rowan Circuit Court to the Court of Appeals of Kentucky, as in any other civil action, and this action may be investigated and settled by and with the consent and approval of the Attorney General of Kentucky in the same way as any other civil action might be settled or adjusted. If recovery is had in favor of the claimant either by suit or compromise, the amount so awarded or compromised shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of Highways, or either of them, and this resolution shall not be introduced as evidence nor commented upon by counsel in the argument of the case to the jury.

SR 69: A RESOLUTION authorizing Gerald J. Roche to sue the

Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky or either of them.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Gerald J. Roche be, and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the Department of Highways thereof, either or both of them, in the Rowan Circuit Court for personal injuries and medical expenses sustained by him.

Section 2. The said suit shall be for an amount not exceeding \$5,000.00.

Section 3. That the action herein authorized and permitted may be brought in the Rowan Circuit Court, same being the circuit court having jurisdiction in Rowan County, Kentucky, the county in which the accident occurred resulting in injuries and damages to Gerald J. Roche.

Section 4. That any party to said action may appeal from any judgment which may be entered by the Rowan Circuit Court to the Court of Appeals of Kentucky, as in any other civil action and this action may be investigated and settled by and with the consent and approval of the Attorney General of Kentucky in the same way as any other civil action might be settled or adjusted. If recovery is had in favor of the claimant either by suit or compromise, the amount so awarded or compromised, shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

Section 5. No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of Highways, or either of them, and this resolution shall not be introduced as evidence nor commented upon by counsel in the argument of the case to the jury.

SR 85: A CONCURRENT RESOLUTION memorializing Congress to implement the Federal Flood Insurance Act of 1956.

WHEREAS, the many flood disasters in the history of the Commonwealth have proven that relief measures on the local level can never be entirely effective; and

WHEREAS, the Federal Flood Insurance Act of 1956 offers promising possibilities for the development of a satisfactory national program of flood relief; and

WHEREAS, it appears that with further study and education the problems in the administration of the Act could be resolved; and

WHEREAS, it is declared to be the public policy of the Commonwealth to participate to all possible extent in a national flood insurance program; and

WHEREAS, the Commonwealth stands willing and able to participate in such a program, and to contribute to a fund to subsidize flood insurance premiums, if such a course is finally determined to be desirable;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

Section 1. That Congress provide funds to re-activate the Federal Flood Insurance Administration, and orient its activities in accord with the principles developed by that agency during its year of active operation from 1956 to 1957, and provide funds for the payment of such subsidies by the Federal Government as may be necessary to the operation of the flood insurance program;

Section 2. That copies of this resolution be sent by the Clerk of the Senate to the President and Chief Clerk of the Senate of the United States, the United States Senators from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States, and the United States Representatives from Kentucky.

SB 332: AN ACT relating to waterworks systems in water districts and in cities of the second to sixth classes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 74.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any county court, upon petition of thirty-five resident freeholders of the proposed water district, may establish a water district and appoint water commissioners for the purpose of furnishing a water supply to the citizens of the county. The petition shall prescribe the territory intended to be included in the district and shall set out the reasons the water district is needed.

(2) When the petition is filed the court shall give notice of the filing by publication in three issues in a newspaper of general circulation in the county, or if there is no newspaper in the county, by posting notice in three public places in the proposed district. Within thirty days after the publication or notice, any resident of the proposed district may file objections, and the court shall set the case for hearing within ten days. If the court finds that the establishment of such district is reasonably necessary for the public health, convenience, fire protection, and comfort of the residents, it shall make an order establishing the district, and designating it by name or number.

(3) The court may in this order strike off any part of the territory that the testimony shows will not be benefited by the creation of the district. If the court does not find that the district is necessary, it shall dismiss the petition. Either party may thereupon appeal to the circuit court for a retrial, and from the circuit court to the Court of Appeals as provided by law.

Section 2. Section 106.270 of the Kentucky Revised Statutes is amended to read as follows:

Neither the Public Service Commission, the State Board of Health, nor any other board, commission or agency of the Commonwealth shall have any jurisdiction whatever over any water district or municipality, either in the purchase, acquisition, design, construction, operation, management or control of any water plant or water distribution system or appurtenances thereto, or any power or authority over the regulation of rates or charges, either within or beyond the boundaries of the municipality or water district.

Section 3. Section 106.210 of the Kentucky Revised Statutes is amended to read as follows:

Except as otherwise specifically provided in this chapter the water district commissioners of the water district and the legislative body of the municipalities shall exercise all powers conferred by virtue of this chapter. Any board operating under the provisions of this chapter shall have the legal power and capacity to perform any act not repugnant to law and shall have the express power and capacity to do any and all acts or things necessary or convenient for the carrying out of the purposes of this chapter, including but not by way of limitation, the following express powers:

(1) Acquire, hold and dispose of property, real and personal, tangible and intangible, necessary or incident to the proper conduct of its business;

(2) Construct, acquire, own, lease, operate, maintain and improve plants or works for the production, pumping, filtration, treatment, distribution or sale of water and may provide water service to any user or consumer within and without the boundaries of said water district or municipality or county containing such district or municipality, and may charge and collect reasonable rates therefor;

(3) Construct, own, lease, rent, operate and control any and all works, buildings, facilities and equipment across, along, or under any street or public highway, and over any lands which are now or may be the property of the Commonwealth or of any county or municipality therein. The water district or municipality shall, however, at its own expense, restore any such street or highway to its former condition and state as nearly as may be possible and shall not use the same in a manner as to impair its usefulness or to interfere with or obstruct the maintenance thereof. Before exercising these powers the board shall obtain

a permit or consent or approval in writing from the governing authority of the municipality, or the fiscal court, or the Department of Highways having appropriate jurisdiction over any and all of such respective streets or public highways;

(4) Accept gifts, grants of property, real or personal, including money, from any person, municipality, or federal agency, or both, and to accept voluntary and uncompensated services; provided, however, that when engineering services are required by any water district or municipality to render any services authorized or required or incident to surveys, plans, estimates of cost, or the valuation of property, or in the preparation of reports authorized by this chapter, no engineer who is engaged in whole or in part in the business of buying and selling any waterworks or water distribution system equipment, machinery, fixtures, materials, supplies, or the sale or purchase of bonds shall be eligible for employment or for any services whatsoever under the provisions of this chapter. The limitations hereinabove provided shall also apply to any firm of engineers and to any member of any firm of engineers, if the firm or member of the firm is engaged in whole or in part in the business of buying or selling any waterworks or water distribution system machinery, equipment, fixtures, materials, supplies, or the sale or purchase of bonds; and no such firm or member of such firm shall be eligible for employment or for any service whatsoever under the provisions of this chapter. Provided, further, that the provisions of this chapter shall not be construed to prohibit the board or the governing authority of any water district or municipality from obtaining the advice or services of any engineer in the regular employment of the state or any Federal governmental agency; and provided further that provisions of this subsection in conflict with provisions of subsection (11) shall not apply to that section;

(5) Contract debts and borrow money for the acquisition or improvement of any water plant and appurtenances thereto, issue bonds to finance such acquisition or improvement, provide for the rights of holders of the bonds and to accrue the bonds as hereinafter provided, and pledge all or any of the net revenues returns derived from the sale of water to the payment of such debts or repayment of money borrowed;

(6) Acquire, hold, and subject to the provisions of this chapter and the applicable provisions of any bonds or contracts, dispose of any property, real or personal, tangible or intangible, or any right or interest in any such property in connection with any water plants and appurtenances thereto and whether or not subject to mortgages, liens, charges, or other encumbrances, subject to the provisions and requirements of this chapter;

(7) Make contracts and execute instruments containing such covenants, terms, and conditions as in the discretion of the board may be necessary, proper, or advisable for the purpose of obtaining loans from any source, or grants, loans or other financial assistance from any gov-

ernmental agency, including, but without limitation, covenants, terms, and conditions with respect to the acquisition or construction of any water plant and appurtenances thereto or any improvement thereto with money in whole or in part borrowed from or granted by any governmental agency; makes all other contracts and execute all other instruments as in the discretion of the board may be advisable in or for the furtherance of the acquisition, improvement, operation and maintenance of any water plant and appurtenances thereto and the furnishing of water service; and carry out and perform the covenants, terms, and conditions of all such instruments;

(8) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the acquisition, improvements, operation or maintenance of any water plant and appurtenances thereto and the furnishing of water service;

(9) Do all acts and things necessary or convenient to carry out the powers expressly given in this chapter;

(10) Make any contracts necessary or convenient for the full exercise of the powers herein granted, including, but not limited to, contracts for either the purchase or sale or both the purchase and sale of water and contracts for the acquisition or improvement of all or any part of a water plant and appurtenances thereto; and in connection with any such contract with a governmental agency, the board may stipulate and agree to such covenants, terms, and conditions as the governing body deems appropriate including, but without limitation, covenants, terms and conditions with respect to the resale rates, financial and accounting methods and the manner of disposing of the revenue of the water plant and appurtenances thereto conducted and operated by the board.

(11) For the purpose of acquiring any water system by purchase, the commissioners of the water district or city legislative body may, at their discretion, enter into such purchase contract before actual construction of the water system. The commissioners or the city legislative body may contract with any bond purchaser or insurer of bonds, including such contract agreements with any agency of the Commonwealth or any agency of the United States Government, for a guarantee by such agency or agencies of the bonds of the district or city, in order to negotiate for the purchase of a water system or any addition or improvement thereto to be constructed at a future date. The commissioners of a water district or a city legislative body may contract with the civil engineer designing its water system to also construct the water system and may enter into an agreement to purchase the water system after it is constructed. The commissioners or legislative body may likewise, prior to actual construction, make a purchase agreement with any individual, partnership or corporation to construct a water system or any addition or extension thereto, providing that in all cases the civil engineering firm designing the system is under the immediate supervision of a civil engineer who is and has been licensed under the

provisions of Chapter 322 of the Kentucky Revised Statutes for at least ten years, and has, in addition, actually designed and supervised, in the Commonwealth, at least two municipal water systems, or additions thereto, and at least two water systems for water districts, each of the four projects having a construction cost of at least \$100,000.

Section 4. A new section of Chapter 106 of the Kentucky Revised Statutes is created to read as follows:

(1) Any bond form or bond resolution adopted by a water district or by a city legislative body, pursuant to the provisions of Chapters 74, 96, or 106 of the Kentucky Revised Statutes may fix the amount necessary to be set apart from water system revenues to be applied toward payment of charges for bond guarantee insurance under agreements with Farmers Home Administration, Department of Agriculture, or any other agency of the United States Government, any agency of the Commonwealth or agreements made with any individual, partnership or corporation for the purpose of insuring the repayment of bonds. The insurance charges shall be paid out of the same fund as is set apart and applied to the payment of the principal and interest on the bonds, if the bond resolution so provides.

(2) The commissioners of any water district of the legislative body of any city, other than a city of the first class, may finance the purchase, acquisition, construction or improvement of a waterworks system by Special Assessment Improvement bonds, general obligation bonds, revenue bonds in one or more series, having equal or specified priority mortgage and revenue rights, all or none of which may be insured wholly or in part by any agency of the Commonwealth or the United States Government, or by any private individual, partnership or corporation, or by any combination of the foregoing types of bonds. In the event that financing is by special assessment bonds, or by revenue bonds, either wholly or in part, the procedure shall be as prescribed in KRS Chapter 74. All operation and maintenance shall be paid from periodic charges to all water users and from annual or monthly fire hydrant rentals.

Section 5. A new section of Chapter 74 of the Kentucky Revised Statutes is created to read as follows:

(1) If engineering reports indicate that the most economical source of water for a proposed district waterworks system is from the mains of a private or municipally owned waterworks, such privately or municipally owned waterworks shall provide such service to the district at special quantity rates, if feasible, and at rates not to exceed, in any event, those being charged for similar service under similar conditions. The size of the meter to be used shall be as recommended by the consulting engineer for the water district. The cost of all connections including meter shall be borne by the water district. Water meter or meters shall be maintained by the supplier and shall become

the property of the supplier after five years of satisfactory service to the district.

(2) Failure of a privately owned water company to offer, within sixty days after a written request, a water service contract shall render null and void any franchise the private water company may have to such water services in the county containing such district. Such contract shall cover a period of twenty years or more, and the point or points of connection to the company's existing lines shall be as designated by the district.

(3) No person engaged in the business of producing, selling or distributing water for public use in the Commonwealth shall refuse or fail to furnish water to any water district if such district is able and willing to pay the same rates for such water as are paid by other consumers in the same territory. This Section does not prohibit any person from limiting by contract its output to the district to 500 gallons per minute for any one connection, except that the output through any connection may be limited by the supplier to ten percent of the supplier's average output per minute.

(4) Any person, his agent or employe, who violates any of the provisions of this Section shall be fined not less than one hundred dollars nor more than one thousand dollars and each day that the violation continues shall constitute a separate offense.

Section 6. The board of commissioners of any water district may construct service lines from meters to the water users' plumbing system and be reimbursed for same at stated charges. The board may purchase or lease irrigation systems for use by farm customers at special water rates.

Section 7. A new section of Chapter 74 of the Kentucky Revised Statutes is created to read as follows:

(1) No water district shall sell, convey, rent or lease its waterworks system without the assent of two-thirds of the total number of the legal voters of the city, voting at an election held for that purpose. Notice of such election shall be given sixty days before the election, by publication for three consecutive weeks in the newspaper having the largest circulation in the district, or if there is no such newspaper, by posting notices in ten public places in the district.

(2) If the cost of establishment of such waterworks system was paid by assessment against the freeholders of the district, the proceeds of the sale, after deducting debts and the costs of liquidation, shall be refunded to the then owners of the properties in the proportion that assessments against each bears to the total assessment made. If part of the cost of original construction was paid by connection charges, refund shall be made to each water user in proportion to the total paid to the water district for such connection charges paid to the district prior to original construction.

Section 8. A new section of Chapter 74 of the Kentucky Revised Statutes is created to read as follows:

The commissioners of a water district may levy a preliminary assessment not to exceed five percent of the estimated cost of the waterworks system prior to construction. Such assessment shall be classified, levied, assessed and collected pursuant to provisions of KRS 74.130 to 74.170. Amounts collected through preliminary assessments shall be credited on final assessments when construction is completed.

HB 5: AN ACT relating to juvenile offenders.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of Chapter 208 of the Kentucky Revised Statutes is created to read as follows:

If a child destroys or damages property while on probation, the court may require his parent or guardian to make reparation to the person whose property is injured. The sum to be paid shall be determined by the court, but shall not be more than five hundred dollars.

HB 13: AN ACT relating to aeronautics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) There shall be a Division of Civil Air Patrol in the Department of Aeronautics. The division shall consist of the Kentucky Wing of the Civil Air Patrol and such other units and personnel as are added by administrative order.

(2) The commanding officer of the Kentucky Wing of Civil Air Patrol shall be ex officio the director of the division.

Section 2. The division shall perform emergency disaster work within the Commonwealth in all instances in which aeronautical equipment and maneuvers might be of assistance in relieving the disaster, and shall engage in all manner of air search and rescue for which the Civil Air Patrol is fitted. The director may establish facilities for aeronautical education and training.

Section 3. The Commissioner of Aeronautics shall coordinate the activities of the division with the federal government and any of its agencies in all matters relating to aeronautical training and education, communications, rescue work, mercy missions, aerial observation, establishment of navigational aids, and other functions within the scope of activity of the Civil Air Patrol.

Section 4. No portion of monies appropriated for the purposes of this Act shall be expended for the payment of compensation to or the purchase of uniforms for any member of the Civil Air Patrol.

Section 5. There is appropriated out of the General Fund to the Department of Aeronautics for the purposes of this Act the sum of ten thousand dollars for the 1958-1959 fiscal year and the sum of ten thousand dollars for the 1959-1960 fiscal year.

HB 26: AN ACT relating to motor vehicle equipment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No vehicle, except authorized emergency vehicles and wreckers, disabled vehicles, public utility repair vehicles at the scene of an emergency repair job, and vehicles used by rural mail carriers when engaged in delivering mail, shall be equipped with flashing lights other than those used to indicate a right or left turn.

Section 2. No person shall drive or move any vehicle or equipment, except authorized emergency vehicles, upon any highway with any lamp or device thereon displaying a red light visible from directly in front.

Section 3. A wrecker when in use at the scene of a motor vehicle accident shall display at least one yellow flashing light clearly visible to all vehicles approaching the scene of the accident.

Section 4. Section 189.040 of the Kentucky Revised Statutes is repealed and reenacted to read as follows:

(1) A motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle.

(2) The head lamps on motor vehicle other than a motor-cycle or motor-driven cycle shall be such that the driver may use either bright or dim lights.

(3) A new motor vehicle, other than a motorcycle or motor-driven cycle, equipped with multiple-beam head lamps and registered in the Commonwealth after January 1, 1956, shall be also equipped with a beam indicator. The beam indicator shall be illuminated when bright lights are used and not otherwise illuminated. The indicator shall be so designed and located that when illuminated it will be readily visible without glare to the driver of the vehicle so equipped.

(4) A motorcycle or motor-driven cycle shall be equipped with at least one and not more than two head lamps.

(5) A bicycle shall be equipped with at least one light in front that will clearly reveal substantial objects fifty feet ahead.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

As used in KRS Chapter 189 and this Act, unless the context requires otherwise:

(1) "Bright lights", when applied to vehicles equipped with multiple-beam head lamps, means a distribution of light so aimed and of such intensity as to reveal vehicles and persons at a distance of at least three hundred and fifty feet;

(2) "Bright lights", when applied to vehicles not equipped with multiple-beam head lamps, means a distribution of light of such intensity as to reveal vehicles and persons at a distance of at least two hundred feet ahead, and so aimed that when the vehicle is loaded none of the high intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands, at a distance of seventy-five feet ahead;

(3) "Dim lights", when applied to vehicles equipped with multiple-beam head lamps, means a distribution of light of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead, and aimed so that on a straight level road the glaring rays do not strike the eyes of an oncoming driver;

(4) "Dim lights", when applied to vehicles not equipped with multiple-beam head lamps, means a distribution of light so aimed that the glaring rays do not strike the eyes of an oncoming driver.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

Whenever a motor vehicle is being operated on a roadway or adjacent shoulder during the time when lights must be used, the driver shall use bright lights, except:

(1) Whenever the driver of a motor vehicle approaches an oncoming vehicle within five hundred feet he shall use dim lights;

(2) Whenever the driver of a motor vehicle follows another vehicle within two hundred feet he shall use dim lights, except when engaged in the act of overtaking and passing.

Section 7. Any person who violates any of the provisions of this Act shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

HB 49: AN ACT relating to jurisdiction of juvenile courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 208.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The juvenile session of county court of each county shall have exclusive jurisdiction in proceedings concerning any child living, or found, in the county who has committed a public offense, except an offense involving a motor vehicle. The Juvenile session of the county court shall not have jurisdiction in any prosecution of an offense in-

volving a motor vehicle. Juvenile offenders accused of motor vehicle offenses shall be treated as any adult offender.

(2) Nothing in this chapter shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or to determine the custody or guardianship of children when such custody or guardianship is incidental to the determination of other causes pending in such other courts; nor shall anything in this chapter affect the jurisdiction of circuit courts over adoptions and over proceedings for termination of parental rights.

HB 60: AN ACT changing the classification of the City of Beaver Dam, in Ohio County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Beaver Dam, in Ohio County, is such as to justify its being classified as a city of the fourth class,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Beaver Dam, in Ohio County, is transferred from the fifth to the fourth class of cities.

HB 71: AN ACT relating to zoning and planning in second-class cities and in counties containing such cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 100.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 100.320 to 100.990, unless the context requires otherwise:

(1) "Mayor" means the chief elected official of the city whether the official designation of his office is mayor, chairman of the board of trustees or otherwise;

(2) "Legislative body" means the chief legislative body of the city, whether it is a board of aldermen, general council, board of commissioners, or otherwise;

(3) "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts and other ways;

(4) "Subdivision" means the division of a tract of land into two or more divisions for the purpose, whether immediate or future, of sale or of building development and includes resubdivision;

(5) "County commissioners" means chief administrative or legislative body of the county;

(6) "Planning area" means the city and adjoining territory which

by reason of existing or future development bears relation to the proper growth and development of the city.

(7) "Commission" means planning commission.

(8) "County area" means the unincorporated area of the county in which the second class city is located.

Section 2. Section 100.320 of the Kentucky Revised Statutes is amended to read as follows:

Cities of the second class and counties containing such cities may establish a planning commission for the city and county area.

Section 3. Section 100.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each commission shall consist of five "city members" and five "county members."

(2) The city members shall be chosen in the following manner: The city manager and the city engineer shall be ex officio members of the commission. If there is no city manager, the mayor shall be an ex officio member. If there is no city engineer, the mayor shall appoint some other city administrative official to serve as an ex officio member. The mayor shall appoint the remaining three city members who shall be residents of the city and shall hold no other city or county office. All appointments by the mayor shall be subject to approval by the city legislative body.

(3) The county members shall be chosen in the following manner: The county judge shall designate one member of the county legislative body and the county engineer to serve as ex officio members of the commission. The remaining three county members shall be chosen by the county judge and shall be residents of the county outside the limits of the city holding no other city or county office. All appointments by the county judge shall be subject to approval by the fiscal court.

(4) The citizen members initially appointed by the mayor shall hold office according to designation in their appointment, one of them for two years, and the others for terms of four years each, and upon the expiration of their respective terms, the successor of each shall hold his office for a term of four years. Vacancies in the offices of members appointed by the mayor shall be filled by successors appointed by the mayor for the unexpired term.

(5) The county citizen members initially chosen by the county judge shall hold office one of them for two years, the others for terms of four years each. Upon expiration of their respective terms, the successor of each shall hold his office for a term of four years. Vacancies in the office of the appointive county members shall be filled by a successor appointed by the county judge with the approval of the fiscal court for the remainder of the term of office in which the vacancy has occurred.

(6) Where any ex officio member in the employment of the city or county vacates his official position he shall ipso facto vacate his office as a member of the commission. The terms of the ex officio members shall correspond to their respective official tenures, except that the terms of the city and county appointive administrative officials shall terminate respectively, with the terms of the mayor and county judge selecting them. Any incumbent otherwise qualified under this section shall hold office until his successor is chosen and qualified; provided, however, that appointed members may be removed by the appointing authority on written charges after a public hearing.

Section 4. A new section of KRS 100.320 to 100.490 is created to read as follows:

The commission may exercise the same powers in relation to the county area as it has in relation to the city and municipal area as provided in KRS 100.350.

Section 5. A new section of the Kentucky Revised Statutes is created to read as follows:

In the preparation of the master plan the commission shall make a comprehensive study of present conditions and future growth of the city with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of accomplishing a coordinated and harmonious development of the city and its environs in accordance with present and future needs. The plan shall make adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provisions for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

Section 6. A new section of the Kentucky Revised Statutes is created to read as follows:

The commission may adopt the plan as a whole by a single resolution or may adopt successive parts of the plan, corresponding with major geographical divisions or with functional subdivisions of the subject matter of the plan, and may adopt any amendment to the plan. Before the adoption of the plan or any part or amendment, the commission shall hold at least one public hearing on the plan, and give notice of the time and place by one publication in a newspaper of general circulation in the city. The adoption of the plan or any part or amendment shall be by resolution of the commission carried by the affirmative votes of not less than five members of the commission. The resolution shall refer expressly to the maps and other matters intended by the commission to form the plan, and the action taken shall be recorded on the map and descriptive matter by the signature of the chairman or secretary of the commission. An attested copy of the plan or

part adopted shall be certified to the legislative body and to the county clerk for record.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Whenever the commission has adopted the master plan, or any part of the master plan or amendment thereto, of the city and county area or of one or more major districts thereof, no street, square, park, or other public ground, or open space or public building or structure, or public utility, whether publicly or privately owned, shall be constructed or authorized in the city and county area or planned district which does not conform to the recommendations of the plan until the location, character and extent thereof has been approved by the commission.

(2) In case of disapproval the commission shall communicate its reasons to the legislative body, which may overrule the disapproval by the recorded vote of not less than a majority of its entire membership. If the public way, ground, space, building, structure or utility is one the authorization or financing of which is not within the jurisdiction of the legislative body, then the submission to the planning commission shall be by the body having jurisdiction and the commission's disapproval may be overruled by such body by a vote of not less than two-thirds of its membership. If the commission fails to act on a proposal within sixty days after submission, approval shall be conclusively presumed.

Section 8. Section 100.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) All plats of the subdivision of lands within the planning area, and all instruments of dedication of land for public use, shall be submitted to the commission and approved by it in writing before they are offered for record or accepted by the legislative body. The approval of the commission shall not be deemed the legislative body's acceptance of the dedication of any street or other public ground shown on the plat or set forth in the instrument.

(2) No street or other public ground shown on a subdivision plat of land within the planning area shall be accepted by the city or county unless the plat and location have been approved by the commission. The legislative body may submit to the commission an ordinance proposing to accept the dedication of any unapproved street or ground, and, if approved by the commission, the city or county may accept the dedication by a majority vote of its legislative body, or, if disapproved by the commission, the dedication may be accepted by a vote of not less than two-thirds of the legislative body.

(3) All plans, maps, regulations, and restrictions adopted by the commission shall be made in accordance with a comprehensive design to promote the public health, safety, morals or general welfare, by

lessening congestion in the streets or by securing safety from fire, panic or other dangers, or by providing adequate light and air, or by preventing overcrowding of land, or by avoiding the undue concentration of population, or by facilitating the adequate provision of transportation, water, sewerage, schools, parks, playgrounds or other public requirements. All regulations and restrictions shall be made with reasonable consideration of the character of each zone or district affected, and its peculiar suitability for particular uses.

Section 9. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) No person or his agent shall subdivide any land, before securing the approval of the planning commission, in the manner prescribed in KRS 100.360, of a plat designating the areas to be sold, and no plat of a subdivision of land within the planning area shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairman or secretary of the commission.

(2) No subdivider owning land composing a subdivision, or his agent, shall transfer or sell or agree to sell any lot or parcel of land located within such subdivision by reference to, or by exhibition, or by any other use of a plat of said subdivision, before such plat has been approved as provided in KRS 100.360. Any such instrument of transfer, sale or contract shall be void and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved.

(3) The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from the penalties provided for in subsection (1) of KRS 100.990, or deprive the purchaser of any rights or remedies he may otherwise have.

Section 10. A new section of the Kentucky Revised Statutes is created to read as follows:

The commission has the same authority to reserve land for future acquisition for public streets and recreation areas as is given to the planning commissions of third, fourth, fifth and sixth class cities by KRS 100.790 to 100.830 for streets and the same procedure for reservation, acquisition and payment provided by those sections is applicable.

Section 11. Section 100.370 of the Kentucky Revised Statutes is amended to read as follows:

The commission may employ and discharge city and regional planners, landscape and other architects, engineers, draftsmen, clerks and other subordinates and obtain other professional services necessary for the performance of its functions.

Section 12. Section 100.420 of the Kentucky Revised Statutes is amended to read as follows:

Any regulations, restrictions or boundaries established by the commission may from time to time be amended or repealed. No change shall be made unless the change is approved by a majority vote of the entire membership of the commission and the ordinance or resolutions adopting the change is approved by a vote of not less than a majority of the entire membership of the legislative body.

Section 13. Section 100.450 of the Kentucky Revised Statutes is amended to read as follows:

Applications to the board of adjustment for special exception or relief by way of variance may be made by any property owner or tenant aggrieved, and appeals to said board may be taken by any property owner or tenant, or any city officer, department, board or bureau affected by any ruling of any administrative officer in the enforcement of KRS 100.320 to 100.490 or any ordinance or resolution enacted pursuant thereto.

Section 14. Section 100.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of adjustment shall fix a reasonable time for the hearing of any application for special exception or variance, or for the hearing of an appeal. It shall give public notice thereof by three insertions in some daily newspaper of general circulation in the city of the second class, the first of which insertions shall be published ten days prior to the day fixed for the hearing. Upon the hearing, any party may appear in person or by agent or by attorney, and the board shall decide the application or appeal within a reasonable time.

(2) An appeal from a ruling of an administrative officer shall be taken within the time provided by the rules of the board, by filing with the officer from whom the appeal is taken, and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

(3) An appeal stays all proceedings in furtherance of the action appealed from, unless, on one day's notice given to the party appealing, the officer from whom the appeal is taken certifies to the board of adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings may be stayed only by order of the board on application to it, and due cause shown, after notice to the officer from whom the appeal is taken, or by judicial proceedings.

Section 15. Section 100.470 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of adjustment may:

(a) Adopt rules and regulations for its own government, not inconsistent with any law, city ordinance, or order or resolution of the fiscal court, with reference to the plans under consideration by the board;

(b) Hear and decide appeals and applications for special exceptions;

(c) Authorize, upon application for variance, such variances from the terms of the ordinance or of any plans, rules, or regulations made thereunder, as will not be contrary to the public interest, where a literal enforcement of the provisions of the ordinance, plans, rules or regulations would result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

(2) In exercising its powers, the board may reverse, affirm or modify an order or decision of an administrative official.

Section 16. Section 100.980 of the Kentucky Revised Statutes is amended to read as follows:

(1) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of any provision of KRS 100.031 to 100.097, the county attorney of such county or the city attorney of such city, as the case may be, or any property owner or occupant who would be damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate action to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

(2) The county or city, or any municipality in the county, or any taxpayer of the county, affected thereby, as the case may be, may file a petition in the circuit court of such county to enjoin a transfer, sale or agreement in violation of subsection (1) of KRS 100.093, and jurisdiction is hereby given to such circuit court to hear and determine all questions and issues properly brought before it in such proceeding.

(3) The proper city authorities may bring actions to prevent the use of land or the use, construction, alteration or repair of buildings or structures in violation of KRS 100.500 to 100.600, or of any ordinance or regulation made thereunder.

(4) A city may, by action in the circuit court, enjoin a transfer, or agreement to transfer land, prohibited by subsection (2) of KRS 100.730, or may recover the penalty allowed by subsection (6) of KRS 100.990 by civil action.

(5) A city or the fiscal court of the county in which the city is located, or the planning commission may bring an action in the circuit court to prevent, correct or abate the unlawful erection, construction, alteration, repair, maintenance, sale or use of any building, structure or land, or to prevent any act on or about such premises, in violation

of KRS 100.320 to 100.490 or any ordinance or regulation made thereunder.

Section 17. Section 100.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as otherwise specifically provided in KRS 100.031 to 100.097, or in KRS 100.980 or in this section, any person, firm, or corporation violating any provisions of KRS 100.020 to 100.970 or of any ordinance, resolution or order, or adjustment or amendment thereto, passed, adopted or approved under authority of KRS 100.020 to 100.970, or any lawful order of the commission or the board of the zoning enforcement officer, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than twenty days, or both so fined and imprisoned. Each and every day during which such violation continues shall be deemed a separate offense.

(2) Any clerk violating subsection (2) of KRS 100.092 shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars.

(3) Any owner or agent who violates subsection (1) of KRS 100.093 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than three hundred dollars for each lot or parcel so transferred or sold or agreed to be sold.

(4) Any person who violates any of the provisions of KRS 100.500 to 100.600, or any ordinance or regulation made thereunder, is guilty of a misdemeanor.

(5) Any county clerk who violates the provisions of subsection (1) of Section 9 of this Act or subsection (1) of KRS 100.730 shall be fined not less than one hundred nor more than five hundred dollars.

(6) Any person who transfers or negotiates to transfer any land in violation of the provisions of subsection (2) of KRS 100.730 shall pay to the city a penalty of one hundred dollars for each parcel of land so transferred.

HB 73: AN ACT relating to state mileage allowances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 44.060 of the Kentucky Revised Statutes is amended to read as follows:

“When any state officer, member of a state board or commission, or any subordinate officer, agent or employee thereof is authorized by law to and does incur, in the discharge of his official duties, any expense incident to traveling in his own motor vehicle, the amount allowed for such expense shall be fixed by the Commissioner of Finance not to exceed eight cents per mile over the nearest traveled route over

which he has traveled, which sum shall include depreciation and investment charges incident to the operation of the motor vehicle.”

HB 76: AN ACT relating to traffic violations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (10) (a) of Section 189.990 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates subsection (2) of KRS 189.520 may for the first offense be imprisoned for fifteen days and fined not less than one hundred dollars nor more than five hundred dollars, and for each subsequent offense he shall be fined not less than one hundred nor more than five hundred dollars and imprisoned for not more than six months.

HB 96: AN ACT relating to insurance and amending KRS 304.542.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.542 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each licensed non-resident agent shall appoint the commissioner as his attorney to receive service of legal process issued against the agent in this state upon causes of action arising within this state out of transactions under his license. Service upon the commissioner as attorney shall constitute effective legal service upon the agent.

(2) The appointment shall be irrevocable for as long as there could be any cause of action against the agent arising out of his insurance transactions in this state.

(3) Duplicate copies of such legal process against such agent shall be served upon the commissioner by any person competent to serve a summons.

The person serving the process upon the commissioner shall pay him at the time of service a fee as provided for under KRS 304.460, which shall be taxed as costs in the action. In the absence of the commissioner, process may be served on his deputy or any other authorized individual then in charge of the Department.

The commissioner shall forthwith send one of the copies of the process by certified mail to the defendant agent at his last known address of record with the commissioner, and shall return the other copy to the plaintiff with his acknowledgement of service.

(4) The commissioner shall keep a record of the day and hour of service upon him of all such legal process.

HB 102: AN ACT relating to insurance and amending KRS 304.566.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.566 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each applicant for a license to act as a life insurance agent within this state shall file with the commissioner his written application on forms furnished by the commissioner. The application shall be signed and duly sworn to by the applicant. The commissioner may require the application to be in the handwriting of the applicant. The prescribed form shall require the applicant to state his full name, residence; age; occupation and place of business for five years preceding date of the application; whether applicant has ever held a license to solicit life, or any other insurance in any state; whether he has been refused, or has had suspended or revoked a license to solicit life, or any other insurance in any state; what insurance experience, if any, he has had; what instruction in life insurance and in the insurance laws of this state he has had or expects to have; whether any insurer or general agent claims applicant is indebted under any agency contract or otherwise, and if so, the name of the claimant, the nature of the claim and the applicant's defense thereto; whether applicant has had an agency contract canceled and, if so, when, by what insurer or general agent and the reasons therefor; whether applicant will devote all or part of his efforts to acting as a life insurance agent, and, if part only, how much time he will devote to such work, and in what other business or businesses he is engaged or employed; whether, if applicant is a married woman, her husband has ever applied for or held a license to solicit life, or any other insurance in any state and whether such license has been refused, suspended or revoked; and such other information as the commissioner in his discretion may require.

(2) The application shall be accompanied by a certificate on forms furnished by the commissioner and signed by an officer or properly authorized representative of the insurer stating that the insurer has investigated the character and background of the applicant and is satisfied that he is trustworthy and qualified to act as its agent and to hold himself out in good faith to the general public as a life insurance agent and that the insurer desires that the applicant be licensed as a life insurance agent to represent it in this state.

(3) The application, when filed, shall be accompanied, in the case of applicants required to take an examination as hereafter prescribed, by an examination fee as set out in KRS 304.460. In the event an applicant fails to qualify for, or is refused a license, the annual license fee shall be returned to him except agents appointed under 304.557 (d), who have actually serviced an industrial debit. The examination fee shall not be returned for any reason.

HB 103: AN ACT relating to alien and government owned insurers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No certificate of authority or license to transact any kind of insurance business in this state shall be issued, renewed or continued in effect to any domestic, foreign, or alien insurance company or other insurance entity which is owned, or financially controlled in whole or in part by any state of the United States, or by a foreign government or by any political subdivision of either, or which is an agency of such state, government or political subdivision, unless such company or entity was so owned, controlled or constituted prior to January 1, 1957, and was authorized to do business in this state on or prior to January 1, 1957.

HB 104: AN ACT relating to insurance and amending KRS 304.460.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 304.460 of the Kentucky Revised Statutes is amended to read as follows:

The commissioner shall collect in advance, and persons so served shall pay in advance to the commissioner, fees, licenses, and miscellaneous charges as follows:

- (1) Annual statement of insurer:
 - (a) Filing, each year \$25.00
 - (b) Filing additional or supplemental statement in same year \$25.00
- (2) For filing charter documents:
 - (a) Original charter documents, by-laws and records of organization of insurer, or certified copies thereof, required to be filed \$30.00
 - (b) Amended charter documents, or certified copy thereof, no additional charge
- (3) Certificate of Authority:
 - (a) Issuance of original certificate \$25.00
 - (b) Renewal, each year \$ 1.00
- (4) Organization of domestic insurers:
 - (a) Filing application for solicitation permit and issuance of such permit, mutual insurers \$10.00
- (5) Agent's licenses, foreign and alien insurers:
 - (a) License for life, insurer, whether or not disability insurance is included, each year \$ 5.00
 - (b) License for industrial life insurer only, each year \$ 2.00

(c)	License for other insurance, each insurer represented, each year	\$ 3.00
(d)	Limited license as travel insurance agent, each year	\$ 2.00
(e)	Temporary license as property and casualty agent, each year	\$ 3.00
(f)	Temporary license as life and disability agent, each year	\$ 5.00
(g)	Non-resident agent	\$10.00
(6)	Broker's license:	
(a)	Surplus line broker, each year	\$25.00
(7)	Solicitor's license, each year	\$15.00
(8)	Adjuster's license:	
(a)	Independent adjuster, each year	\$25.00
(b)	Public adjuster, each year	\$25.00
(c)	Apprentice adjusters registration fee, each year	\$10.00
(9)	Examination, for or in connection with licensing of agents, solicitors, and adjusters:	
(a)	Each examination, first line	\$10.00
(b)	Each additional line	\$ 5.00
(c)	Re-examination of each line	\$ 5.00
(10)	Miscellaneous service:	
(a)	Filing other documents, each	\$ 1.00
(b)	Commissioner's certificate under seal, other than certificates, licenses, and other documents above provided for, each	\$ 1.00
(c)	For copies of any documents on file with the commissioner, per page	\$.50
(d)	Service of process on commissioner	\$ 2.00
(e)	Copy of agents study manual	\$ 2.00
(f)	Copy of Kentucky Insurance Laws	\$ 2.50

HB 120: AN ACT relating to education, providing for a college in Hardin County and Rockcastle County.

WHEREAS, there is a serious need for the creation of a state college in Hardin County for the purpose of alleviating the serious shortage of trained teachers within the Commonwealth, and to more fully carry into effect the provisions of Section 183 of the Constitution of Kentucky, by affording to the teachers and students of Central Kentucky such training in the common school system, in the science and art of teaching, and in such other areas as may be deemed necessary and advisable, as will enable them to improve and render more efficient the administration of the common school system and raise the standards of instruction therein throughout the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There may be established and maintained a state college in the City of Elizabethtown, Kentucky, or the environs thereof, to be known as the "Elizabethtown State College". The "Elizabethtown State College" may be maintained in the same manner as the other state colleges presently existing within the Commonwealth.

That a State College should and may be constructed at Mt. Vernon, in the County of Rockcastle, in the Commonwealth of Kentucky in order that its children might also have the benefits arising out of an education at home.

HB 132: AN ACT relating to criminal statistics.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All city and county law enforcement agencies shall cause a photograph, a set of fingerprints and a general description report of all persons arrested on a felony charge to be made and two copies of each item forwarded within thirty days after the arrest to the Division of State Police of the Department of Public Safety, in accordance with regulations of the Department of Public Safety. Such agencies shall furnish any other information in their possession relative to law enforcement upon request by the Department of Public Safety.

Section 2. Each city and county law enforcement agency shall advise the Division of State Police of the disposition made of all cases wherein a person has been charged with a felony.

Section 3. The Department of Public Safety shall forward one copy of each photograph, set of fingerprints and general description report received by it to the Federal Bureau of Investigation.

HB 151: AN ACT relating to taxation of motor carrier.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.655 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Department" means Department of Revenue.

(2) "Certificate" means the certificate of public convenience and necessity as defined in KRS 281.010(3).

(3) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof.

(4) "Public Highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction.

(5) "Motor Carrier" means every person who operates or causes to be operated on any highway in this state any motor vehicle, trailer or semi-trailer, of a gross weight of not less than 24,001 pounds, engaged in the transportation of persons or property in either private or for-hire carriage in interstate commerce in this state, or who purchases fuel without this state for consumption in this state in intrastate commerce. The term "Motor Carrier" shall include every common and contract carrier possessing authority as such from the Interstate Commerce Commission together with those engaged in transporting in interstate commerce in this state commodities not regulated by the Interstate Commerce Commission. The term "Motor Carrier" shall not mean or shall not include any person operating or causing to be operated a city bus except city buses operated across the border of the state of Kentucky.

(6) "Heavy equipment motor carrier" means any person who operates on the public highways of this state a motor vehicle, including a trailer or semi-trailer, having more than three axles none of which are closer together than 42 inches.

(7) A "licensee" for purposes of KRS 138.655 through 138.725 is any person who has been granted a license as a motor carrier or a heavy equipment motor carrier.

(8) "City bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten miles of its limits over a regular route and exclusively within the boundaries of this state.

(9) "Use" means the consumption of gasoline in propelling motor vehicles on the public highways.

(10) "Gasoline" means gasoline as defined in KRS 138.210 (4).

(11) "Quarterly" for the purposes of KRS 138.655 to 138.725 means a three-month period ending June 30 in the year 1956 and each succeeding three-month period thereafter.

HB 152: AN ACT relating to taxation of interstate special fuel users. This Act shall be known as the Greene-Qualls Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.560 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 138.560 to 138.640 and in subsections (19), (20), and (21) of 138.990, unless the context requires otherwise:

(1) "Department" means the Department of Revenue.

(2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause prescribing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(3) "Special fuel" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline as defined in KRS 138.210.

(4) "Motor vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semi-trailer attached to or having its front end supported by such motor vehicle.

(5) "Public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, notwithstanding that they may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction.

(6) "Use" means the delivery or placing of special fuel into the fuel supply tank or tanks of a motor vehicle within this state. With respect to an interstate user as hereinafter defined the term "use" means the consumption of special fuel in propelling motor vehicles on the public highways of this state as computed under KRS 138.595.

(7) "Special fuel dealer" means any person who receives special fuel as defined in this section into storage tanks from which withdrawals are made and placed into fuel supply tanks of a motor vehicle for use on the public highways of this state.

(8) "Dealer" means special fuel dealer as defined above.

(9) "Special fuel user" means any person, other than a special fuel dealer or interstate special fuel user who uses special fuels within the meaning of the word "use" as defined in this section.

(10) "User" means special fuel use as defined above.

(11) "Interstate special fuel user" means common and contract carriers of persons or property by motor vehicles, of a gross weight of not less than 24,001 pounds, operated upon the public highways of both this state and other states and any other motor vehicular carriers of property operated upon the public highways of other states and upon the highways of this state.

(12) "Interstate user" means interstate special fuel user as defined above.

(13) "Heavy equipment special fuel user" means any person who operates on the public highways of this state, a motor vehicle, including a trailer or semi-trailer, having more than three axles none of which are closer together than 42 inches.

(14) A "licensee" for purposes of KRS 138.560 to 138.640 is any person who has been granted a license as a special fuel dealer, special fuel user, interstate special fuel user or heavy equipment special fuel user.

(15) "Quarterly" for purposes of KRS 138.560 to 138.640 means a three-month period ending June 30 in the year 1956 and each succeeding three-month period thereafter.

HB 154: AN ACT proposing amendment of Sections 3 and 49 of the Constitution of Kentucky relative to the payment of a bonus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that Section 3 of the Constitution of Kentucky be amended to read as follows:

All men, when they form a social compact, are equal; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services, which services shall include active duty in the Armed Forces of the United States during time of war; but no property shall be exempt from taxation except as provided in this Constitution, and every grant of a franchise, privilege or exemption, shall remain subject to revocation, alteration or amendment.

Section 2. It is proposed that Section 49 of the Constitution of Kentucky be amended to read as follows:

The General Assembly may contract debts to meet casual deficits or failures in the revenue; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars, and the moneys arising from loans creating such debts shall be applied only to the purpose or purposes for which they were obtained, or to repay such debts: Provided, the General Assembly may contract debts to pay a bonus to members of the Armed Forces of the United States who were on active duty during time of war, to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense.

Section 3. This proposed amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided in Sections 256 and 257 of the Constitution and in Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

HB 174: AN ACT relating to motor vehicle operator licenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.410 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

(1) Every person except those exempted by KRS 186.420 and KRS 186.430 shall before operating a motor vehicle upon a highway secure an operator's license as provided in this chapter.

(2) All original biennial, renewal and duplicate licenses for the operation of motor vehicles shall be issued by the Department of Public Safety. No such license shall be issued until the application therefor has been certified by the department.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Every person seeking a license for operation of a motor vehicle shall apply in person to the circuit clerk of the county in which he resides and make application upon a form furnished by the department. The application shall contain the full name and signature, date of birth, sex, race, and present resident address of the applicant and briefly describe him. It shall also state whether the applicant has previously been licensed as an operator and if so, when and by what state or country, whether any license has ever been cancelled, suspended, revoked or refused, and if so, the date of and reason for the cancellation, suspension, revocation or refusal, and such other information as may be required.

(2) Every applicant shall make oath to the circuit clerk as to the truthfulness of the statements contained in the form.

(3) The clerk shall, after determining that the applicant has fully complied with the law governing applications, issue a temporary operator's license to be valid for not more than ninety days. Such temporary license shall be valid in lieu of the permanent license during the certification period and must be destroyed upon receipt of the permanent operator's license.

Section 3. A new section of Chapter 186 of the Kentucky Revised Statutes is created to read as follows:

Applications for renewal licenses shall be according to the following schedule:

(1) Persons whose family names begin with the letters "A" through "K" inclusive, shall before August 1, 1958, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a renewal license, which will expire on his birth month in the year 1960, and shall be renewed every two years during the applicant's birth month thereafter.

(2) Persons whose family names begin with the letters "L" through "Z" inclusive shall, before August 1, 1959, apply at the office of the circuit court clerk in the county in which he resides, and make application upon a form furnished by the department for a renewal license, which will expire on his birth month in the year 1961, and shall be renewed every two years during the applicant's birth month thereafter.

Section 4. Section 186.450 of the Kentucky Revised Statutes is amended to read as follows:

Any person who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a permanent operator's license, may make application for and obtain an instruction permit, to be issued by the circuit court clerk in the county of the applicant's residence, and such permit shall be valid for not more than sixty days. The permit holder shall have this permit in his possession and be accompanied by a licensed operator occupying the seat beside the operator at all times while operating a motor vehicle upon the highway.

Section 5. Section 186.490 of the Kentucky Revised Statutes is amended to read as follows:

The circuit clerk of each county shall:

(1) Comply with all rules and regulations issued by the department under KRS 186.400 relating to his duties;

(2) Act for the department for the purpose of issuing temporary operator's licenses and instruction permits;

(3) Administer the oath required by KRS 186.460 to the applicant without fee;

(4) Report and remit each Monday to the Department of Revenue all moneys collected during the preceding week and remit a copy of all applications taken by him during the same period to the Department of Public Safety. Upon failure of any clerk to report and remit therefor more than seven days after the due date, he shall pay, in addition to the amount due, a penalty of ten percent of the amount due. Penalties collected under this section shall be paid into the State Treasury as a part of the revenue collected under KRS 186.410;

(5) Keep adequate records of all moneys collected and remitted to the department; and

(6) Keep in his office at all times available to the department a record of all temporary licenses issued in his county, all denials, cancellations, suspensions, revocations or withdrawals of operator's licenses within his county and, to the extent that he is advised, of all other withdrawals of the privilege to operate a motor vehicle on the highways.

Section 6. Section 186.520 of the Kentucky Revised Statutes is amended to read as follows:

Any person whose license has been legitimately lost or destroyed, shall apply in person to the circuit court clerk in the county in which the most recent permanent license was obtained in order to make application for a duplicate license. He must furnish satisfactory proof by affidavit substantiating such loss or destruction when applying for such duplicate license.

Section 8. A new section of Chapter 186 of the Kentucky Revised Statutes is created to read as follows:

(1) The cost of operator's licenses and permits shall be as follows:

(a) The fee for an original or renewal license shall be two dollars;

(b) The fee for an instruction permit shall be fifty cents plus fifty cents for preparing and acknowledging such application; and

(c) The fee for a duplicate license shall be one dollar.

(2) The circuit clerk shall retain fees pertaining to applications and license fees in the following manner:

(a) Thirty-seven and one-half percent of any original and renewal licenses;

(b) Fifty cents for issuance of an instruction permit;

(c) Fifty cents for preparing and acknowledging an application for an instruction permit; and

(d) Seventy-five cents for preparing and acknowledging an application for a duplicate.

(3) The remainder of all fees, and other moneys collected by the circuit court clerk shall be forwarded to the Department of Revenue.

Section 9. There is appropriated out of the State Road Fund for the administration of this Act the sum of \$229,150 for the fiscal year 1958-1959 and the sum of \$109,350 for the fiscal year 1959-1960. Any funds remaining at the end of the fiscal year shall not lapse but shall be available for the succeeding fiscal year.

Section 10. Sections 186.455, 186.460 and 186.500 of the Kentucky Revised Statutes are repealed.

Section 11. Whereas, adequate time must be allowed motor vehicle operators to apply for licenses under the changed issuance procedures, an emergency is declared to exist, and this Act shall become effective upon its approval by the Governor.

HB 208: AN ACT to provide for the coverage of certain officers and employes of the state and local governments, the political subdivisions and agencies thereof, and interstate instrumentalities, and the dependents and survivors of such officers and employes, under the Old-Age and Survivors Insurance provisions of Title II of the Federal Social Security Act, as amended.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.420 of the Kentucky Revised Statutes is amended to read as follows:

Definitions. For the purposes of KRS 61.410 to 61.500:

(1) The term "wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of Federal Insurance Contributions Act, would not constitute "wages" within the meaning of that Act.

(2) The term "employment" means any service performed by an employe in the employ of the Commonwealth, a political subdivision, or an interstate instrumentality, for such employer, except (a) service of an emergency nature, (b) service which in the absence of an agreement entered into under KRS 61.410 to 61.500 would constitute "employment" as defined in the Social Security Act, or (c) service which under the Social Security Act may not be included in any agreement between the Commonwealth and Federal Security Administrator entered into under KRS 61.410 to 61.500; Provided, however, that service, the compensation for which is on a fee basis, may be excluded in any plan approved under KRS 61.410 to 61.500, and provided also, that service in any class or classes of positions, the exclusion of which is permitted under the Social Security Act, may be excluded in any plan approved under KRS 61.460.

(3) The term "employe," in addition to its usual meaning, includes both elective and appointive officers of the Commonwealth, political subdivisions, or interstate instrumentalities.

(4) The term "state agency" means the Division of Personnel Security in the Department of Economic Security.

(5) The term "Federal Security Administrator" includes any individual to whom the Federal Security Administrator has delegated any of his functions under the Social Security Act with respect to coverage under such act of employes of states and their political subdivisions.

(6) The term "political subdivision," in addition to counties, municipal corporations and school districts, includes instrumentalities of the Commonwealth, of one or more of its political subdivisions, or of the Commonwealth and one or more of its political subdivisions, and any other governmental unit thereof.

(7) The term "Social Security Act" means the Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," including regulations and requirements issued pursuant thereto, as such act has been and may from time to time be amended.

(8) The term "Federal Insurance Contributions Act" means subchapter A of Chapter 9 of the Federal Internal Revenue Code prior to enactment of the Federal Internal Revenue Code of 1954 and subchapter C of Chapter 21 of the Federal Internal Revenue Code of 1954 after enactment of same, as such act has been and may from time to time be amended.

(9) "Secretary of Health, Education and Welfare" includes any individual to whom the Secretary of Health, Education and Welfare has delegated any of his functions under the Social Security Act, with respect to coverage under this Act, and with respect to any action taken prior to April 11, 1953, includes the Federal Security Administrator and any individual to whom such Administrator has delegated such functions.

Section 2. Section 61.430 of Kentucky Revised Statutes is amended to read as follows:

Federal-State agreement; referendum in state colleges, conditions of. Consistent with the terms and conditions of KRS 61.410 to 61.490, the state agency, with the approval of the Governor, is hereby authorized to enter on behalf of the Commonwealth into an agreement with the Secretary of Health, Education and Welfare, for the purpose of extending the benefits of the Federal Old-Age and Survivors Insurance System to employes of the Commonwealth or any political subdivision thereof with respect to services specified in such agreement which constitute "employment" as defined in KRS 61.420. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration and other appropriate provisions as the state agency and Secretary of Health, Education and Welfare shall agree upon, but except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreements shall provide in effect that:

(1) Benefits will be provided for employes whose services are covered by the agreement, and their dependents and survivors, on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The state will pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages equal to the sum of taxes which would be imposed by Sections 1400 and 1410 of the Federal Insurance Contributions Act prior to enactment of the Federal Internal Revenue Code of 1954, and Sections 3101 and 3111 of the Federal Internal Revenue Code of 1954 after the enactment of this Code, if the services covered by the agreement constituted employment within the meaning of that Act;

(3) Such agreement or modification of such agreement shall be effective with respect to services performed after an effective date specified in the agreement or modification thereof, but in no case prior to January 1, 1955, for cases where such agreement or modification is agreed to prior to January 1, 1958; for cases where such agreement or modification is agreed to during the years of 1958 and 1959, the effective date specified in such agreement or modification shall not be earlier than January 1, 1956; and in no case prior to the first day

of the calendar year in which such agreement or modification, as the case may be, is agreed to by the Secretary of Health, Education and Welfare and the Commonwealth, after December 31, 1959; provided, however, that in case of any agreement covering any state college made pursuant to Subsection (6) of this section, the effective date may be made retroactive to January 1, 1955, in the discretion of the agency concerned, and within the limits prescribed by the Federal Social Security Act, as amended;

(4) All services which constitute employment and are performed in the employ of the Commonwealth by employes of the Commonwealth shall be covered by the agreement;

(5) All services which (a) constitute employment, (b) are performed in the employ of a political subdivision of the state, and (c) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under KRS 61.460, shall be covered by the agreement;

(6) (a) Such agreement or modification of such agreement, as permitted under the Social Security Act, shall include all services described in subsection (4) and performed by employes in positions covered by a retirement system at the various state colleges enumerated in KRS 164.290, with respect to which the Governor has issued a certificate to the Secretary of Health, Education and Welfare pursuant to this subsection;

(b) At the earliest practicable date after the effective date of this section, the Governor shall authorize referendums and designate agencies or individuals to respectively supervise their conduct in each state college in accordance with the requirements of Section 218 (d) (3) of the Social Security Act, and this subsection, on the question of whether or not the service in the positions, now covered by a public retirement system established by law, in the respective state colleges should be included under such agreement;

(c) The Governor, before authorizing a referendum, shall require that the state college in which it is to be conducted shall meet the following conditions:

Each referendum shall be by secret, written ballot on the question of whether or not service in positions now covered by a public retirement system in the state college shall be included under the agreement between the Governor and the Secretary of Health, Education and Welfare;

An opportunity to vote in such referendum shall be given and shall be limited to all eligible employes of the state college;

Not less than ninety days notice of such referendum shall be given to all such employes of the state college;

Such referendum shall be conducted under the supervision of an agency or individual designated by the Governor;

The proposal for coverage shall be approved only if a majority of the eligible employes of the state college vote in favor of including services in such positions under the agreement;

(d) Upon receiving satisfactory evidence that, with respect to any such referendum, the conditions specified in this subsection and Section 218 (d) (3) of the Social Security Act have been met, the Governor shall so certify to the Secretary of Health, Education and Welfare;

(7) For the purposes of this section, employes of each of the colleges enumerated in KRS 164.290 shall be considered a separate coverage group.

Section 3. Section 61.450 of the Kentucky Revised Statutes is amended to read as follows:

Contributions by state employes. (1) Every employe of the state whose services are covered by an agreement entered into under KRS 61.430 shall be required to pay for the period of such coverage, into the Contribution Fund established by KRS 61.470, contributions, with respect to wages received during the calendar years 1951 to 1953, both inclusive, equal to one and one-half per centum of such wages; with respect to wages received during the calendar years of 1954 to 1956, both inclusive, not to exceed two per centum of such wages; with respect to wages received during the calendar years 1957 to 1959, both inclusive, not to exceed two and one-fourth per centum of such wages; with respect to wages received during the calendar years 1960 to 1964, both inclusive, not to exceed two and three-fourths per centum of such wages; with respect to wages received during the calendar years 1965 to 1969, both inclusive, not to exceed three and one-fourth per centum of such wages; with respect to wages received during the calendar years 1970 to 1974, both inclusive, not to exceed three and three-fourths per centum of such wages and with respect to wages received after December 31, 1974, not to exceed four and one-fourth per centum of such wages. Such liability shall arise in consideration of the employe's retention in the service of the state, or his entry upon such service, after March 14, 1951.

(2) The contribution imposed by this section shall be collected by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employe from liability for such contribution.

(3) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the state agency shall prescribe.

Section 4. Section 61.460 of the Kentucky Revised Statutes is amended to read as follows:

Plans for coverage of employes of political subdivisions.

(1) Each political subdivision of the state is hereby authorized to submit for approval by the state agency a plan for extending the benefits of Title II of the Social Security Act, in conformity with applicable provisions of such Act, to employes of such political subdivision. Each such plan and any amendment thereof shall be approved by the state agency if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the state agency, except that no such plan shall be approved unless:

(a) It is in conformity with the requirements of the Social Security Act and with the agreement entered into under KRS 61.430;

(b) It provides that all services which constitute employment and are performed in the employ of the political subdivision by employes thereof, shall be covered by the plan;

(c) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (a) of Subsection (3) and by subsection (4) are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose;

(d) It provides for such methods of administration of the plan by the political subdivision as are found by the state agency to be necessary for the proper and efficient administration thereof;

(e) It provides that the political subdivisions will make such reports, in such form and containing such information, as the state agency may from time to time require, and will comply with such provisions as the state agency or the Federal Security Administrator may from time to time find necessary to assure the correctness and verifications of such reports; and

(f) It authorizes the state agency to terminate the plan in its entirety, in the discretion of the state agency, if it finds that there has been failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the state agency, and as may be consistent with the provisions of the Social Security Act.

(2) The state agency shall not finally refuse to approve a plan submitted by a political subdivision under subsection (1), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to the political subdivision affected thereby.

(3) (a) Each political subdivision for which a plan has been approved under this section is authorized to, and shall, pay into the Contribution Fund, with respect to wages, at such time or times as the state agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the state agency under KRS 61.430, and, furthermore, in anticipation of the due date of any payments of contributions required herein, is authorized to, and shall, make such advancements as the state agency, by regulation or contract, may require;

(b) Each political subdivision is authorized to, and shall, make such payments as are determined by the state agency to be necessary for the purpose of defraying the expenses incurred by the state agency in administering KRS 61.410 to 61.500 for the benefit of those employees covered under any plan approved under subsection (1) of this section, but in no event shall such amount be greater than five percent of the contributions required under paragraph (a) of this subsection. Such payments shall be made into the State Treasury and shall be credited to a separate trust and agency fund to be used by the state agency solely for the purpose stated herein;

(c) Each political subdivision required to make payments under paragraph (a) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after the effective date of KRS 61.410 to 61.500, to impose upon each of its employees, as to services which are covered by an approved plan, a contribution, with respect to wages received during the calendar years 1951 to 1953, both inclusive, equal to one and one-half per centum of such wages; with respect to wages received during the calendar years 1954 to 1956, both inclusive, not to exceed two per centum of such wages; with respect to wages received during the calendar years 1957 to 1959, both inclusive, not to exceed two and one-fourth per centum of such wages; with respect to wages received during the calendar years 1960 to 1964, both inclusive, not to exceed two and three-fourths per centum of such wages; with respect to wages received during the calendar years 1965 to 1969, both inclusive, not to exceed three and one-fourth per centum of such wages; with respect to wages received during the calendar years 1970 to 1974, both inclusive, not to exceed three and three-fourths per centum of such wages and with respect to wages received after December 31, 1974, not to exceed four and one-fourth per centum of such wages. Contributions so collected shall be paid into the Contribution Fund in partial discharge of the liability of such political subdivision under paragraph (a) of this subsection. Failure to deduct such contributions shall not relieve the employee or employer of liability therefor.

(4) Delinquent payments due under paragraph (a) of subsection (3), with interest at the rate of six per centum per annum, may be recovered by action in the Franklin Circuit Court against the political subdivision liable therefor, or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state.

HB 209: AN ACT relating to agricultural research.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. In enacting this legislation it is the intention of the General Assembly to find new uses for Kentucky's tobacco surplus to

avoid further cuts in acreage quotas and to solve other problems adversely affecting the economy of the Commonwealth.

Section 2. There shall be established in the Agricultural Experiment Station of the University of Kentucky, a research project to promote greater utilization for Kentucky tobacco with particular emphasis on new uses and new products.

Section 3. All property rights or income resulting from research under this Act shall be credited to the research project herein established and shall be used for continued research into new uses for tobacco.

Section 4. On or about January 1 of each year the director of the Agricultural Experiment Station shall make a progress report to the Governor, the General Assembly, the Board of Trustees of the University of Kentucky and the press of the Commonwealth; except in such instances where revelation of such report may adversely affect a successful culmination of that portion or portions of the research.

Section 5. None of the monies appropriated for the purpose of this Act shall be used for research leading to increased tobacco production nor for research into tobacco disease control, except where such research is considered necessary to develop greater utilization or new products.

Section 6. To carry out the purposes of this Act, the sum of fifty thousand dollars for the 1958-1959 fiscal year and the sum of fifty thousand dollars for the 1959-1960 fiscal year is appropriated to the Agricultural Experiment Station of the University of Kentucky out of the General Fund.

Section 7. Any monies not expended in the first year of the biennium shall be available for this program in the second year of the biennium and shall not revert to the general fund.

HB 215: AN ACT relating to public assistance appeal board decisions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 205.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commissioner is authorized to appoint an appeal board for public assistance composed of the commissioner and two other members. The commissioner shall be chairman and he and one other member will constitute a quorum.

(2) Any applicant or recipient who is dissatisfied with the decision on his application or because of delayed action on his application for public assistance or because of the amount granted to him

may appeal to the appeal board in the manner and form prescribed by regulation. On receipt of such an appeal the applicant or recipient shall be given reasonable notice and opportunity for a fair hearing. The applicant or recipient shall be promptly notified of the decision together with the reasons therefor.

(3) Within twenty days after such decision, any party aggrieved thereby may secure judicial review thereof by filing a petition for review against the commissioner in the Circuit Court of the county in which the petitioner resides. The petition shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the petitioner.

(4) With his answer, the commissioner shall certify and file with the Court all documents and papers, and a transcript of all testimony taken in the matter, and orders made therein, together with the findings of fact and decision therein. If consented to by the petitioner, an abstract of any portion of the record may be certified by the commissioner in lieu of certifying such portion of the record in full.

(5) The Court in its review of such action shall hear the record as certified by the commissioner and no other evidence shall be received. The Court shall dispose of the cause in a summary manner, limiting its decision to a determination of whether or not:

(a) There was sufficient probative evidence to support the appeal board's order.

(b) The regulations upon which the order was based are reasonable.

(c) The appeal board acted arbitrarily, unlawfully, or in such a manner as to constitute an abuse of discretion.

(6) The Court shall enter judgment affirming, modifying or setting aside the order, or decision, or in its discretion remanding the cause to the appeal board for further proceedings in conformity with the direction of the Court.

HB 216: AN ACT relating to the support of indigent persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 387.281 of the Kentucky Revised Statutes is amended to read as follows:

The circuit and county courts shall have jurisdiction within their respective counties, without impanelling a jury, to appoint a special committee to receive funds from any state, federal, city or county agency, which disburses funds for the maintenance and support of indigent persons, for any person who is a resident of their respective counties, or for any person who is confined in any of the charitable institutions in their respective counties, except that no such special committee shall be appointed under this section to receive funds disbursed by the Commonwealth through the Division of Public Assist-

ance or by the United States through the Veterans Administration, or the successors of those agencies.

HB 217: AN ACT relating to facilities for caring for public assistance recipients.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 205.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each private institution or public medical institution that accepts or has facilities available to public assistance recipients shall obtain a certificate of approval from the Department of Economic Security. Application for certificate of approval shall be on the form prescribed by the department. The department shall not issue a final certificate of approval for any institution until after such institution has satisfied the requirements of the Department of Safety or other state agencies authorized by law to inspect, approve or license such institutions.

(2) All such institutions shall make provisions for and comply with reasonable standards established by the department for fire protection and safety, plumbing and sanitation, lighting, heating and ventilation, living arrangements, diet and health facilities, and such other factors as may be necessary to promote the health and welfare of the residents cared for in such institutions.

(3) The department shall make, or cause to be made, an inspection of such institutions at least once each year and shall prescribe by regulation the manner and form of reports such institutions must file with the department and the records to be kept by such institutions.

(4) Where another state agency or authority is authorized by law to inspect, approve or license such institutions regarding any of the standards established by this section, the department shall accept such inspections. Such other state agency or authority shall, at the request of the department, furnish to the department a report of its findings.

(5) Failure of any such institution to apply for a certificate of approval or to comply with reasonable standards shall be reported promptly to the proper law enforcement agency of the Commonwealth.

HB 231: AN ACT relating to the terms of court in the Thirty-sixth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The preamble and subsection (36) of Section 23.050 of the Kentucky Revised Statutes is amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(36) Knott County at Hindman, on the first Monday in March, twenty-four juridical days; on the second Monday in May, twenty-four juridical days; on the fourth Monday in August, eighteen juridical days; and on the second Monday in November, thirty juridical days.

Magoffin County, at Salyersville, on the first Monday in February, eighteen juridical days; on the second Monday in April, eighteen juridical days; on the fourth Monday in June, twenty-four juridical days, and on the fourth Monday in September, twenty-four juridical days.

Section 2. This Act shall take effect on August 1, 1958.

HB 241: AN ACT relating to taxation for education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) The County Board of Education of a county embracing a city of the second class or an independent board of education within such a county may, in addition to other taxes requested for school purposes, request the levy of not less than one cent nor more than fifty cents on each \$100 valuation of property subject to local taxes to provide a special fund for the purpose of the purchase or lease of schools, sites and buildings, for the erection and complete equipping of new school buildings, for the major alteration, enlargement and complete equipping of existing buildings, for the purpose of retiring, directly or through rental payments school revenue bonds issued for such school building improvements and for the purpose of financing any program for the acquisition, improvement or building of schools and to accomplish any or all of said purposes, that such tax shall be in addition to the maximum school tax levy provided by KRS 160.475.

(2) The Board of Education shall inform the voters of the county of the period of time for which the levy shall run and the purposes for which said levy shall be expended including the amount of the levy.

Section 2. (1) In addition to or in lieu of this special tax, the board of education may pay into this special fund at the close of any fiscal year the proceeds from the sale of land or property no longer needed for school purposes and all or any balances remaining in the general fund over and above the amount necessary, for discharging obligations for the fiscal year in full.

(2) The special fund provided for herein shall be kept in a separate account designated as "School Building Fund". The fund shall be kept in the depository selected by the board of education, or invested in bonds of the United States, of this state, or county or municipality in this state, provided, however, that such investments shall be approved by the State Board of Education.

(3) All expenditures from such fund shall be made solely for the purposes enumerated herein and shall be made in accordance with the school laws of the state at such times as the board of education determines. The board of education shall cause to be made annually an audit of the building fund by a certified public accountant or by an accountant approved by the State Department of Education.

HB 276: AN ACT relating to the regulation and use of anhydrous ammonia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The term "anhydrous ammonia" as used in this Act refers to the compound formed by the combination of the two gaseous elements, nitrogen and hydrogen, in the proportion of one part nitrogen to three parts of hydrogen by volume. Anhydrous ammonia is ammonia gas in compressed or liquefied form, and is not aqueous ammonia.

Section 2. The Department of Agriculture, Labor and Statistics shall make, promulgate and enforce regulations setting forth minimum general standards covering the design, construction, location, installation and operation of equipment for storing, handling, transporting by tank truck, tank trailer, and utilizing anhydrous ammonia. Said regulations shall be such as are reasonably necessary for the protection and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Such regulation shall be adopted by the department after a public hearing thereon. Regulations in substantial conformity with the published standards of the Agricultural Ammonia Institute and the Compressed Gas Association for the design, installation and construction of containers and equipment for the storage and handling of anhydrous ammonia shall be deemed to be in substantial conformity with the generally accepted standards of safety concerning the same subject matter.

Section 3. All equipment shall be installed and maintained in a safe operating condition and in conformity with the rules and regulations of the department adopted under Section 2 of this Act.

Section 4. No person, firm or corporation other than the owner of the facility and those authorized by the owner so to do, shall sell, fill, refill, deliver or permit to be delivered, or use in any manner any anhydrous ammonia container or receptacle for any gas, compound, for any other purpose whatsoever.

Any manufacturer, jobber, or handler of anhydrous ammonia or pressure liquid fertilizers that have a vapor pressure in excess of fifty pounds at one hundred degrees Fahrenheit shall register annually with the department, and shall pay an annual license fee based on the

volume of the previous year's business. The license fee shall be at least thirty-five dollars; operators who have handled more than two hundred and fifty tons during the previous year shall pay an additional amount equal to fifteen cents for each ton handled in excess of two hundred and fifty. The application for license shall be accompanied by an affidavit stating the applicant's volume of business. The department or its representative shall have the privilege of checking the validity of the information contained in the affidavit.

Section 5. Any person who violates any provision of this Act shall be fined not more than five hundred dollars.

Section 6. In addition to the penalties provided in Section 5 of this Act, any person, firm or corporation who shall violate or remain in violation of any of the provisions of this Act or of any rule or regulation promulgated thereon may be directed and ordered by notice in writing setting forth the facts relating to such violation to correct same. Such notice shall be served personally upon said person or mailed by registered mail to the principal office of said person, firm or corporation, or if an individual or individuals, to his or their residence. If such order is not complied with and such violation not corrected within twenty days of service of such order, the Department of Agriculture, Labor and Statistics may file in the circuit court of the county of residence if a person, or place of business if a corporation where such violation occurs, a complaint setting up the facts and praying an injunction. The court upon hearing shall determine the case, and issue proper orders. All orders of the Department of Agriculture, Labor and Statistics, issued after a hearing, shall be prima facie evidence of the truth of the matters involved, and may be appealed to circuit court as in other cases.

HB 278: AN ACT relating to urban renewal.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 99.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the council of any community by resolution finds and declares (a) that there exist in the community slum areas or blighted areas, (b) that there is need in the community for the exercise of powers, functions and duties conferred by KRS 99.330 to 99.510, and (c) that the exercise of such powers, functions and duties by an agency created and established pursuant to this section would be more efficient and in the public interest than the exercise of such powers, functions and duties by the community or the housing commission of the community pursuant to KRS 99.470, an agency, to be known as the slum clearance and redevelopment agency of the city or county, as

the case may be, shall thereupon exist for such community with the powers, duties and functions provided for in KRS 99.330 to 99.510.

(2) Upon adoption of the resolution, the mayor shall be promptly notified and he shall appoint, with the approval of a majority of the council, five resident electors of the community as members of the agency.

(3) Three of the members who are first appointed shall be designated to serve for terms of one, two and three years respectively, and the remaining two of such members shall be designated to serve for terms of four years each, from the date of their appointment. Any appointments heretofore made for a term of five years are hereby confirmed and declared to be appointments for a term of four years from the date of such appointment. Thereafter members shall be appointed as aforesaid for a term of office of four years, except that all vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his successor has been appointed and qualified.

(4) The agency shall elect a chairman from among its members. The term of office as chairman of the agency, unless otherwise prescribed by the council shall be for the calendar year, or for that portion thereof remaining after each such chairman is designated or elected.

(5) The powers of each agency shall be vested in the members thereof then in office. Members of an agency or their staff shall receive their actual and necessary expenses, including traveling expenses, provided, however, that such other compensation, if prescribed, shall be paid exclusively from community funds.

(6) For inefficiency or neglect of duty or misconduct in office, a member of an agency may be removed by the council but the member may be removed only after he shall have been given a copy of the charges at least ten days prior to a public hearing thereon and has had an opportunity to be heard in person or by counsel.

(7) No officer or employe of the community, or of the agency, who in the course of his duties is required to participate in the formulation of plans or policies for the redevelopment of a development area, or to approve such plans or policies, shall acquire any interest in any property included within a development area within the community. If any such officer or employe owns or has financial interest, direct or indirect, in any property included within such a development area he shall immediately disclose, in writing, such interest to the agency and to the council and such disclosure shall be entered in the minutes of the agency and of the council. Failure to so disclose such interest shall constitute misconduct in office. No payment shall be made to any member or officer of an agency for any property or interest therein acquired by the agency from such member or officer unless the amount of such payment is fixed by court order in eminent domain proceedings, or unless such payment is unanimously approved by the council.

(8) When an agency is created for any community, the council may at that time, and from time to time thereafter, appropriate such amounts of money to the agency as it deems necessary for the administrative purposes of the agency. The administrative purposes of the agency may include staff and consultants for research, studies and surveys, designation of development areas, preparation of development plans, estimates of the cost of acquisition, clearance and conditioning of land for redevelopment, estimates of the fair use value of the land and any other administrative expenses considered necessary by the council.

(9) Each such agency shall file with the council a detailed report of all its transactions, including a statement of all revenues and expenditures, at such intervals as the council may prescribe.

(10) At any time after two years after the appointment of the first five members of the agency, if such agency shall not theretofore have redeveloped or acquired land for, or commenced the redevelopment of, a project, or entered into any contracts for redevelopment, the council may by resolution declare that the offices of the members of the agency shall be vacated and thereupon the capacity of the agency to transact business or exercise any power shall be suspended and shall remain suspended until the appointment of new members to the office of the agency as hereinbefore set forth in this section.

Section 2. Section 99.370 of the Kentucky Revised Statutes is amended to read as follows:

No agency may acquire title to any land for the purpose of carrying out a development plan unless the following conditions have been met:

(1) A general or master plan of the community has been adopted by the planning commission of the community.

(2) A development plan for the proposed development area has been approved by the planning commission of the community and has been made available for public inspection. The development plan shall designate, among other things, the location, character and extent of the public and private land ownership and uses proposed within the area, such as street, sewer, public transportation, school, recreation, dwelling, business, industry and such others as may be suitable. The development plan may be made by the agency, or at the request of the agency or at the direction of the council, be prepared by the planning commission of the community.

(3) A public hearing held by the agency on the redevelopment project, whereat an opportunity shall be afforded to all persons interested to be heard, either in person or by counsel. Notice of the time and place of such hearings shall be published in a newspaper of general circulation in the community not less than ten days prior to the date set for the hearing. Notices of the hearing shall be mailed at least ten days before the hearing, to the last known owner of each

parcel of land in the development area at the last known address of such owner as shown by the records of the assessor. Such notices shall contain a description of the proposed development area by its location in relation to highways, streets, streams or otherwise. Such notices shall further state that maps, plats and particular description of the development plan, together with such zoning maps and ordinances as may relate thereto, are available for public inspection at a place to be designated in such notice. The failure of any owner to receive a copy of such notice shall not invalidate the proceedings of the agency.

(4) A finding has been made by the agency that there is a feasible method for the temporary or permanent relocation of families displaced from the development area, and that there are, or are being provided, in the development area, or in other areas not less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families displaced from the development area, decent, safe, and sanitary dwellings for such displaced families.

(5) After public hearing, the agency has made and certified to the council the development plan and an estimate of the cost required of the community for the redevelopment of such area, for the guidance of the council in providing funds therefor, an estimate of the total cost of such redevelopment including an estimate of the cost of appraisals, the value of the real estate, and any other costs and expenses which, in the judgment of the agency may be incurred by the agency in the exercise of the powers granted in KRS 99.330 to 99.510, and an estimate of the revenue from the sale or lease of the property after demolition and conditioning for redevelopment, and the amount of deficit, if any, which is expected to be incurred.

(6) A finding has been made by the council:

(a) That the area is a slum area or that all the following conditions exist:

1. That the area is a blighted area;
2. That a shortage of housing of sound standards and design adequate for family life exists in the community;
3. That the need for housing accommodations has been or will be increased as a result of the demolition of residential units in slum areas under development plans; and
4. That the conditions of blight in the area and the shortage of decent, safe, and sanitary housing in the community cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, and welfare.

(b) That the development plan will afford maximum opportunity consistent with the sound needs of the community as a whole for the redevelopment of the development area by private enterprise;

(c) That the development plan conforms to the general or master plan for the development of the community as a whole; and

(d) That Federal assistance is necessary to enable the development area to be redeveloped in accordance with the development plan and funds will be available for the community share of the cost as required by the Housing Act of 1949 or other Federal Acts providing Federal financial assistance, or that Federal financial assistance is not necessary and all funds will be available from other sources;

(7) The council has approved the development plan.

Section 3. Section 99.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person, firm, corporate organization, public officer or governmental agency or department, being a party of record at any hearing conducted by the agency in connection with the designation of a redevelopment project or any such person or entity which has applied for a building permit or certificate of occupancy under KRS 99.380, claiming to be injuriously affected or aggrieved by any action of, or decision by, or refusal of the agency to approve such permit or certificate may appeal from such action or decision to the circuit court of the county wherein the agency is located, and jurisdiction is hereby given to such circuit court to hear and determine all questions and issues brought before it on such appeal. An appeal shall stay all action by all parties of record in the matter appealed from. Such appeal shall be taken within thirty days after notice of such action or decision has been given by the agency to the party affected by the decision of said agency, by filing in the office of the clerk of the circuit court of such county a statement of appeal, setting forth the action or decision of the agency appealed from, the date thereof, the reasons for said appeal, and attaching thereto as a part thereof a certified copy of such action or decision and asking that an order to show cause be issued against and served upon the agency. But the foregoing remedy shall not be exclusive.

(2) After the appeal is taken the procedure shall be the same as in common law actions, except that said appeals shall have preference over other cases on the docket and may, upon the motion of any party, be set down for trial in advance of other cases. Upon filing an appeal, notice thereof must be immediately given to the agency and all parties of record, by actual notice served or by service of summons. Hearings in the circuit court shall be de novo and heard by the judge and appeals may be taken from the decision of said circuit court to the Court of Appeals in the same manner as common law cases are appealed, except that all appeals to the Court of Appeals must be made within sixty days from the date of judgment in the circuit court.

Section 4. Section 99.420 of the Kentucky Revised Statutes is amended to read as follows:

Whenever in the opinion of the agency, land or other property, or right of way or easement over or through any property is needed by the agency in order to accomplish the purpose of KRS 99.330 to 99.510, it may by resolution, reciting the need for such acquisition, authorize the purchase or condemnation in the name of the agency, of said land or other property, or right of way or easement necessary for such purpose, and may proceed to condemn and acquire such property in the following manner:

(1) The proceedings for condemnation shall be in the circuit court of the county in which the greater part of the property sought to be condemned lies, and shall be conducted in the name of the agency. Proceedings shall be commenced by filing a petition against all persons having an interest in the property, describing the property, right of way or easement sought to be condemned, upon which summons shall be issued and proceedings carried on as nearly as may be as ordinary actions at law are conducted. Nonresidents and persons under disability shall be proceeded against as provided by the Rules of Civil Procedure. The owners of two or more different properties sought to be condemned for the same purpose may be proceeded against in a single action, or the owners of any piece of property may be proceeded against in a separate action.

(2) At any time after the filing of the petition, the agency may apply to the circuit court, or to the judge thereof if the court is in vacation, to appoint commissioners to assess the damages which the owners of the property, right of way or easement to be condemned may be entitled to receive. The court or judge shall then appoint three disinterested, impartial housekeepers of the county who are owners of land, and who shall be sworn to faithfully and impartially discharge their duties. If the appointment is made by the judge in vacation, it shall be by written order, which shall be filed with the petition in the case and may be entered of record at any subsequent term of the court, upon motion of any proper party.

(3) The commissioners shall, as early as practicable, view the property, right of way or easement proposed to be condemned, and award to the owner the value thereof. They shall also award to the owner any incidental damages resulting to his adjacent lands, considering the purposes for which it is taken, but they shall deduct from the incidental damages the value of any advantages and benefits that will accrue to such adjacent lands from the proper use of the property, right of way or easement for the purposes and uses intended. They shall return a report in writing to the office of the clerk of the circuit court, stating their award and showing separately the amount allowed for the value of the property, right of way or easement to be condemned and taken, the amount allowed for incidental damages to adjacent lands and the amount deducted for advantages and benefits to the adjacent lands. They shall make a separate report as to each separately owned parcel of property.

(4) Immediately after the commissioners have filed said report the judge of the circuit court shall by an interlocutory judgment grant and award to the agency immediate possession and full and complete use and control of said land or other property and the agency shall thereupon be entitled to take possession thereof and to use and control the same for the purpose for which it is being condemned as fully as if the title had been conveyed to it; however, prior to the rendition of the interlocutory judgment, the agency shall be required to pay into court the sum awarded by the commissioners in their report concerning such land or property, or right of way or easement. The court shall, after having rendered said interlocutory judgment, upon motion by the agency, make such orders as may be necessary and proper for the conveyance of such land or other property or property rights to the agency, vesting in the agency the title in fee simple to the land or other property described in such condemnation proceeding, and shall cause its commissioner or a special commissioner appointed by the court to execute and deliver to the agency a deed of conveyance therefor, which deed shall be executed as nearly as practicable in accordance with the rules governing the conveyance of property by commissioners when sold under order of court.

(5) The commissioners may report at any time after summons has been duly issued or warning order attorney appointed. Thereafter, either party may, before answer is due, file written exceptions to said report, except that the agency's exceptions, if any, shall be made and filed prior to the entry of said interlocutory judgment. If the exceptions are based on the ground that the damages awarded are too small or too great, the exceptions must be accompanied by an affidavit of the party stating the amount of damages that he believes would be just and reasonable, and be supported by the affidavits of two disinterested persons stating that the amount claimed by the excepting party would be just and reasonable. The difference between the damages awarded and the amount that the excepting party claims would be just and reasonable shall be deemed the amount in controversy for the purposes of appeal. Exceptions or defenses for nonresidents and persons under disability may be filed by any person authorized to make defense for such persons under the Rules of Civil Procedure. The court may, for proper cause, extend the time for filing exceptions and it may require the parties to plead to an issue of fact to be submitted to a jury according to the course of the common law. The sum not in controversy shall be paid or tendered to the parties defendant by the court prior to the entry of said interlocutory judgment.

(6) It is further provided that before rendering the interlocutory judgment, the court shall require the agency to execute a bond, with surety to be approved by the court, conditioned upon the agency paying to the parties defendant the difference between the sum paid into court and that which may thereafter be finally determined to be the

value of the property or property rights and incidental damages, if any, if the parties defendant except to the report of the commissioners, unless the agency shall have sufficient funds duly appropriated, properly allocated to that purpose, and on deposit to pay any money judgments, including all costs adjudged against the agency, that may thereafter be rendered against it, and such fact or facts shall be alleged in its petition for condemnation.

(7) When exceptions have been filed by either party, and all parties have been properly summoned and are before the court and the issues made up, the circuit court shall forthwith cause the case to be docketed for trial by a jury as other common law cases are tried, and it shall, upon motion of either party, give the case preference over other common law cases on the docket. In assessing damages the jury shall be governed by the rule prescribed for making of commissioners' report, and the court shall so instruct the jury. Upon request of either party the jury may be sent by the court, in charge of the sheriff, to view the property, right of way or easement sought to be condemned.

(8) If more than one piece of property is involved, owned by different persons, the jury shall render a separate verdict as to the property of each person, or the court may direct a separate trial for each piece of property owned by different persons. If the verdict of the jury is more favorable to the party excepting the award of the commissioners, the additional cost accrued by reason of the filing of exceptions and subsequent proceedings shall be taxed against the other party, otherwise such additional costs shall be taxed against the party excepting. In either event the agency shall pay all costs of the proceedings other than the additional costs incurred by reason of filing exceptions.

(9) An appeal may be taken by either party in interest from the circuit court to the Court of Appeals in the manner, for any of the causes and subject to the rules provided by general laws regarding appeals from circuit court to the Court of Appeals, but no appeal or supersedeas shall suspend the right of the agency to have possession of the property, easement or right of way condemned.

(10) A slum area or blighted area acquired for a housing project by the housing commission of the community may be included in a development area and the use of such area for redevelopment shall be a public use as though such area were originally acquired for a redevelopment project.

Section 5. Section 99.440 of the Kentucky Revised Statutes is amended to read as follows:

Upon the approval by the council of the development plan, the agency shall proceed to carry out the redevelopment. In the event that a bond issue is to be submitted by the community to the voters for the purpose of providing funds to pay for the cost of the redevel-

ment project or any part thereof, the question of issuing bonds shall be submitted as required in KRS 66.040 to 66.070, both inclusive.

Section 6. Section 99.450 of the Kentucky Revised Statutes is amended to read as follows:

The agency may sell, exchange, lease, or otherwise transfer real property acquired under the provisions of KRS 99.330 to 99.510 to one or more private individuals or to public bodies, and thereafter the real property shall be used only in accordance with the limitations and conditions set forth in the development plan, or the development plan as modified under KRS 99.330 to 99.510. Maximum opportunity, consistent with the sound needs of the locality, shall be given private enterprise in the redevelopment of development areas. The agency shall sell, lease, exchange, or withhold for public use by the state or any public body thereof, all of the property which it has acquired in such development area as soon as feasible and in the public interest. Prior to any such sale or exchange of real property, the agency shall obtain appraisals made by independent appraisers of the value of such real property proposed to be sold or exchanged, which appraisals shall be based upon the new uses established for such real property. These appraisals shall be used as a guide for the agency in disposing of its real property, but the agency shall not be bound thereby.

Section 7. Section 99.520 of the Kentucky Revised Statutes is amended to read as follows:

It is hereby found and declared that (1) there exist in communities of the state slum, blighted and deteriorated areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state, and the findings and declarations heretofore made in KRS 99.330 with respect to slum and blighted areas are hereby affirmed and restated, (2) certain slum, blighted or deteriorated areas, or portions thereof, may require acquisition and clearance, as provided in KRS 99.330 to 99.510, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation, but other areas or portions thereof may, through the means provided in KRS 99.330 to 99.510 and KRS 99.520 to 99.590, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented, and to the extent feasible salvable slum and blighted areas should be conserved and rehabilitated through voluntary action and the regulatory process, and (3) all powers conferred by KRS 99.330 to 99.510 and KRS 99.520 to 99.590, are for public uses and purposes for which public money may be expended and such other powers exercised, and the necessity in the public interest for the provisions of KRS 99.330 to 99.510 and KRS 99.520 to 99.590, is hereby declared as a matter of legislative determination. A community, to the greatest extent determines to be feasible in carrying out the provisions of KRS 99.330 to

99.510 and KRS 99.520 to 99.590, shall afford maximum opportunity, consistent with the sound needs of the community as a whole, to the rehabilitation or redevelopment of areas by private enterprise.

Section 8. Section 99.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to its authority under KRS 99.330 to 99.510 an agency is hereby authorized to plan and undertake urban renewal projects. As used in KRS 99.520 to 99.590, an urban renewal project may include undertakings and activities for the prevention of the development or spread of slums or blighted, deteriorated, or deteriorating areas, or the elimination thereof, and may involve any work or undertaking for such purpose constituting a redevelopment project or any rehabilitation or conservation work, or any combination of such undertaking or work. For this purpose, "rehabilitation or conservation work" may include (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (b) acquisition of real property and demolition, removal, or rehabilitation of buildings and improvements thereon where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the objectives of the urban renewal project; and (d) the disposition, for uses in accordance with the objectives of the urban renewal project, of any property or part thereof acquired in the area of such project; provided that such disposition shall be in the manner prescribed in KRS 99.450 for the disposition of property in a redevelopment project area.

(2) Notwithstanding any other provisions of KRS 99.330 to 99.510 and KRS 99.520 to 99.590, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor of the state has certified the need for disaster assistance under Public Law 875, Eighty-First Congress, or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to any provisions of KRS 99.330 to 99.510 and KRS 99.520 to 99.590, requiring public hearings or requiring that the urban renewal plan conform to a general or master plan for the community as a whole, or that the urban renewal area be a slum area, or a blighted, deteriorated, or deteriorating area, or that the urban renewal area be predominantly residential in character or be developed or redeveloped for residential uses.

Section 9. Section 99.540 of the Kentucky Revised Statutes is amended to read as follows:

Any urban renewal project undertaken pursuant to the preceding section shall be undertaken in accordance with an urban renewal plan for the area of the project. As used in KRS 99.520 to 99.590, an "urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general or master plan for the community as a whole, except as provided for disaster areas; and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements. An urban renewal plan shall be prepared and approved pursuant to the same procedure as provided in KRS 99.330 to 99.510 with respect to a development plan. Where real property acquired by an agency is to be transferred in accordance with the urban renewal plan, any contract for such transfer and the urban renewal plan, or such part or parts of such contract or plan as the agency may determine, may be recorded in the land records of the community in such manner as to afford actual or constructive notice thereof.

Section 10. Section 99.550 of the Kentucky Revised Statutes is amended to read as follows:

An agency shall have all the powers necessary or convenient to undertake and carry out urban renewal plans and urban renewal projects, including the authority to acquire and dispose of property, to issue bonds and other obligations, to borrow and accept grants from the Federal Government or other source and to exercise the other powers which KRS 99.330 to 99.510 confer on an agency with respect to redevelopment projects. In connection with the planning and undertaking of any urban renewal plan or urban renewal project, the agency, the community, and all public and private officers, agencies, and bodies shall have all the rights, powers, privileges, and immunities which they have with respect to a development plan or redevelopment project, in the same manner as though all of the provisions of KRS 99.330 to 99.510 applicable to a development plan or redevelopment project were applicable to an urban renewal plan or urban renewal project; provided that for such purpose the word "redevelopment" as used in KRS 99.330 to 99.510 and KRS 99.520 to 99.590, except in this section and in the definition of "redevelopment project" in KRS 99.340, shall mean "urban renewal", the words "slum area" and the words "blighted area" as used in KRS 99.330 to 99.510 and KRS 99.520 to 99.590, except in this section and in the definitions in subsections (1)

and (2) of KRS 99.340, shall mean "blighted, deteriorated, or deteriorating area", and the finding prescribed in KRS 99.370 with respect to a slum area or blighted area shall not be required; provided further that any disaster area, referred to in KRS 99.530, shall constitute a "blighted area"; and provided further that this section shall not change the corporate name of the agency or amend any section of KRS 99.330 to 99.510. In addition to the surveys and plans which an agency is otherwise authorized to make, an agency is hereby specifically authorized to make (1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, (2) plans for the enforcement of laws, codes, and regulations relating to the use of lands and the use and occupancy of buildings and improvements, and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; (3) plans for the relocation of persons, including families, business concerns and others, displaced by an urban renewal project, (4) preliminary plans outlining urban renewal activities for neighborhoods to embrace two or more urban renewal areas, and (5) preliminary surveys to determine if the undertaking and carrying out of an urban renewal project are feasible. The agency is authorized to make relocation payments to or with respect to persons, including families, business concerns and others, displaced by an urban renewal project, for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government. The agency also is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight.

HB 279: AN ACT relating to housing projects.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 80.540 of the Kentucky Revised Statutes is amended to read as follows:

A commission shall have the right to acquire by condemnation any real property which it may deem necessary for its purposes under KRS 80.310 to 80.610 after the adoption by it of a resolution declaring that the acquisition of the real property described therein is necessary for such purposes. Proceedings for such condemnation shall be in the circuit court of the county in which the property lies, and shall be conducted in the name of the commission by the attorney designated by the commission, and the judgment of the court shall vest title in fee simple to the property condemned in the commission. In all other respects, the form and manner of the proceedings shall be the same as that provided for the condemnation of land for road purposes by fiscal courts.

Section 2. Section 90.150 of the Kentucky Revised Statutes is amended to read as follows:

If it becomes necessary to condemn property for the purpose of constructing any low-cost housing project, or securing right of ways leading thereto, the commission may, by resolution reciting the need, order the condemnation of any land or improvement or interest in land, that it deems necessary. Proceedings for the condemnation shall be in the circuit court of the county in which the property lies, and shall be conducted in the name of the commission. The city attorney shall conduct the proceedings, for the commission. The judgment of the court shall vest title in fee simple to the property condemned in the commission. In all other respects the form and manner of the proceedings shall be the same as that provided in KRS 416.120. No payment or award in any condemnation proceedings, or for the cost or expenses of the proceedings, shall be made except from funds provided under the authority of this chapter.

HB 280: AN ACT relating to planning and zoning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 100.350 of the Kentucky Revised Statutes is amended to read as follows:

(1) The commission may prepare and approve a comprehensive plan for the physical development of the whole or any portion of the city of the second class. The comprehensive plan may include a master plan, as defined in KRS 100.046. The commission may adopt the master plan by a majority vote following a public hearing.

(2) The commission may make and adopt other plans and maps of the whole or any portion of the city of the second class, and of any land within the municipal area, and it may make changes in the plans or maps when it deems it advisable.

(3) In the maps or plans the commission may provide among other things for changed regulations of all facilities for traffic, transportation or communication and for new or changed harbors, streets, street fixtures, bridges, subways, parks, playgrounds or any other public grounds or public structures or public improvements or appurtenances, and for the general location and extent of public utilities and terminals whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power or other purposes, and for the removal, relocation, widening, narrowing, abandonment or extension of any public ways or works or structures with a view to the systematic planning of the city and its environs.

(4) The commission may make and adopt plans for the controls, development and preservation of historical landmarks, for the design and location of statuary and other works of art which are or may become the property of the city or the county, and may make recommen-

dations to any public authorities or to any persons in the city and municipal area concerning the location of any building, structures or works to be constructed by them.

(5) The commission may lay off and establish in the city and municipal area zones or districts of such number, shape and area as the commission believes are best to carry out the purposes of KRS 100.320 to 100.490, and from time to time change zones or districts as to area or boundary or location. The zones or districts shall be designated by maps or plans as well as by boundaries, and the boundaries may be expressed in general descriptive terms. The commission may make or adopt maps or plans showing the zones or districts, or changes, with appropriate designations and may prescribe and enforce regulations and restrictions on the construction, alteration, repair or use of buildings, structures or land, including the regulation and restriction of the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

(6) All regulations and restrictions shall be uniform for each class or kind of buildings throughout each zone or district, but the regulations or restrictions in one zone or district, may differ from those in other zones or districts.

(7) The commission may enter upon lands and make examinations and surveys for the purpose of exercising its powers.

(8) The commission may make, print and publish and distribute generally copies of any plan, map, report, or recommendation made by it.

HB 283: AN ACT relating to the title to school property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 162.010 of the Kentucky Revised Statutes is amended to read as follows:

The title to all property owned by a school district is vested in the Commonwealth for the benefit of the district board of education. In the acquisition of land for school purposes, whether by purchase or condemnation, or otherwise, the title obtained shall be in fee simple, except that title to land received from the Federal Government or any agency thereof can be received in other than fee simple with the approval of the Attorney General of the Commonwealth. Any reversionary interest in any land held by boards of education on June 14, 1934 shall not deprive such boards of the ownership of the buildings or other improvements thereon.

HB 284: AN ACT relating to membership on boards of education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.220 of the Kentucky Revised Statutes is amended to read as follows:

All elections for members of boards of education shall be by secret ballot. The ballot shall be on a separate sheet from all other ballots used in any election. The county clerk shall cause to be printed on the ballot the names of legally eligible candidates in whose behalf he is petitioned to do so in writing by not less than fifty legal voters of the county school district, division or independent school district, as the case may be, except that in independent school districts embracing a city of the first or second class the number of such petitioners shall not be less than one hundred. The petitions must be filed as provided in KRS 118.120 and 118.130. Each petition must be signed by the requisite number of qualified persons, and shall show the district or the division of the county district, as the case may be, and the place of residence of each person signing it. In county school district divisions no person shall sign more than one petition, and in independent school districts not more petitions than the number of offices to be filled. In addition, before a candidate's name can be printed on the ballot he must submit to the county court clerk an affidavit showing satisfactory educational qualifications in accordance with KRS 160.180.

HB 303: AN ACT relating to local health departments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 212.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) In any county containing a city of the second class, the fiscal court of the county and legislative body of the city of the second class may, by joint action, establish a city-county health department. The department, when established, shall be governed by a city-county board of health composed of seven members, two of whom shall be the mayor of said city, or his appointee, and the county judge, or his appointee, and five of whom shall be appointed by the joint action of the mayor of such city and county judge of such county. Each appointive member shall be not less than thirty years of age, intelligent, discreet and shall have been a continuous resident of such county for at least two years prior to the date of his appointment. Not more than three of said appointive members may be physicians. All appointed members shall be eligible for re-appointment.

(2) The original appointments to fill the five appointive positions on said board, provided for and created herein, shall be made in the following manner: Within thirty days after the formation of such city-county health department, the mayor and county judge shall appoint the five appointive members, one member for a term of one year, two

for a term of two years, two for a term of three years. At the expiration of each of the aforesaid terms of office of said five appointive members originally appointed, the successor to each such member shall be appointed by the county judge and mayor for a term of office of three years and until his successor is appointed and qualified.

(3) Any vacancy in the said board occurring by reason of death, resignation, disqualification, removal, or otherwise, of any appointive member shall be filled as provided in KRS 212.390.

HB 308: AN ACT relating to the Department of Revenue.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever it becomes necessary within the discretion of the Commissioner of Revenue to photostat, duplicate, publish or supply for the use and benefit of persons or agencies, other than agencies of state government, information contained in official records of the Department of Revenue, whose contents are not confidential according to law, the Department of Revenue is hereby authorized to photostat, duplicate or publish the said information and supply the same to the requesting person or agency. For such services the department may charge a fee which will be adequate to cover the expenses of photostating, duplicating or publishing such information and any expense incidental to supplying the same.

Section 2. All money received by the Department of Revenue, for supplying to persons or agencies other than state agencies information which is contained in the official files of the department, shall be promptly deposited with the State Treasurer in the same manner as provided by law for other deposits. The amount of money so deposited shall be treated as a reimbursement to the appropriation of the Department of Revenue from which the disbursements were made for expenses incurred in performing the services authorized by Section 1 of this Act.

HB 309: AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Kentucky Revised Statute 132.290 is amended to read as follows:

(1) Any property which has not been listed for taxation, for any year in which it is taxable, by the time the board of supervisors completes its work for that year shall be deemed omitted property.

(2) All omitted property shall be assessed retroactively in the manner provided by law at any time within five years from the date when it became omitted, but the lien thereby accruing on any such property, except real property, shall not prejudice the rights of bona fide purchasers acquired in the meantime.

(3) All omitted property voluntarily listed shall be subject to a penalty of ten percent of the amount of taxes, and interest at one-half of one percent per month or fraction thereof from the date when the taxes would have become delinquent had the property been listed as required by law, until the date the tax bill is prepared in accordance with KRS 133.230.

(4) All omitted property not voluntarily listed shall be subject to a penalty of twenty percent of the amount of taxes, and interest at one-half of one percent per month or fraction thereof from the date when the taxes would have become delinquent had the property been listed as required by law, until the date the tax bill is prepared in accordance with KRS 133.230.

(5) When the property is assessed retroactively by action prosecuted in the manner provided by KRS 132.330 and 132.340, an additional penalty of twenty percent of the amount of the original tax, interest and penalty shall be collected for the purpose provided in KRS 134.400 and paid into the State Treasury. All other penalties and interest shall be distributed in the same manner as the tax.

Section 2. Kentucky Revised Statute 132.360 is amended to read as follows:

(1) Any assessment of accounts receivable, notes, stocks or bonds or other intangible property that were listed with the county tax commissioner may be reopened by the Department of Revenue within five years after the date as of which they were assessed, unless the assessed value thereof is the face value in the case of accounts receivable and notes or the quoted value in the case of stocks and bonds, or has been established by a court of competent jurisdiction. If upon reopening the assessment the department finds that the assessment was less than the fair cash value and should be increased, it shall give notice thereof to the taxpayer, who may within thirty days thereafter protest to the department and offer evidence to show that no increase should be made. After the department has disposed of the protest, the taxpayer may appeal from any such additional assessment as provided by KRS 131.110 and 131.120.

(2) Upon such assessment becoming final the department shall certify the amount due to the taxpayer. The tax bill shall be handled and collected as an omitted tax bill, and the additional tax shall be subject to the same penalties and interest as the tax on omitted property voluntarily listed.

Section 3. Kentucky Revised Statute 133.040 is amended to read as follows:

The county tax commissioner shall complete the tax roll of all property in his county before the first Monday in May of each year in accordance with law, and on or before that date he shall file with the Department of Revenue, on blanks to be forwarded by the depart-

ment, a recapitulation of all property assessed on said tax roll with his official certificate attached thereto. Such recapitulation shall show the assessment of property by types of property and by taxing districts. The tax commissioner shall file with the Department of Revenue at the same time the schedules containing a list of the intangible personal property. Within two weeks after receiving the recapitulation and schedules, the Department of Revenue shall direct the tax commissioner to make the changes that are necessary to correct the assessment. After the tax commissioner has made the necessary correction in assessment and records thereof, he shall return such intangible schedules to the Department of Revenue, and it shall preserve such schedules or a photographic facsimile thereof for a period of seven years from the assessment date.

HB 310: AN ACT relating to alcoholic beverages.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Kentucky Revised Statute 243.480 is amended to read as follows:

(1) Upon proceedings for the revocation of any license under KRS 243.520, the Alcoholic Beverage Control Board, or the local alcoholic beverage administrator, may in its or his discretion, as the case may be, order a suspension of the license for any cause for which it may, but is not required to, revoke the license under the provisions of KRS 243.490 and 243.500; provided, however, the licensee may have the alternative, subject to the approval of the Alcoholic Beverage Control Board or the local alcoholic beverage administrator, to pay in lieu of part or all of the days of any suspension period, a sum as follows: Distillers, rectifiers, vintners, brewers and blenders, one thousand dollars per day; wholesale liquor licensees, four hundred dollars per day; wholesale beer licensees, one hundred dollars per day; retail drink liquor licensees, twenty-five dollars per day; retail package liquor licensees, twenty-five dollars per day; retail beer licensees, ten dollars per day; all remaining licensees, ten dollars per day.

(2) Payments in lieu of suspension collected by the Alcoholic Beverage Control Board shall be deposited in the State Treasury and credited to the General Expenditure Fund. Payments in lieu of suspension collected by local alcoholic beverage administrators shall be deposited and used as local alcoholic beverage license tax receipts are deposited and used.

(3) Appeals from orders of suspension and the procedure thereon shall be the same as are provided for orders of revocation in KRS 243.550 to 243.590.

HB 312: AN ACT relating to insurance and amending Section 56.180 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 56.180 of the Kentucky Revised Statutes is amended to read as follows:

“If at the end of any fiscal year the moneys and securities to the credit of the State Fire and Tornado Insurance Fund exceed Two Million Dollars (\$2,000,000), any such excess shall be available to the Department of Finance for the purpose of improving conditions relating to life and fire safety in state properties. Such improvements may include but not be limited to the constructing and equipping of a fire house in the Capital City. Allocations by the Department of Finance shall be made on the basis of recommendations made pursuant to KRS 56.170 by the Commissioner of Insurance.”

HB 338: AN ACT relating to conservation officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 150.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) Conservation officers or any other persons appointed by the commissioner and all peace officers and their deputies shall enforce the provisions of this chapter and shall have the right to go upon the land of any person or persons whether private or public for the purpose of conducting research or investigation of game or fish or their habitat conditions or engage in restocking game or fish or in any type of work involved in or incident to game and fish restoration projects or their enforcement or in the enforcement of laws or orders of the Department of Fish and Wildlife Resources relating to game or fish, while in the normal, lawful and peaceful pursuit of such investigation or work or enforcement, may enter upon, cross over, be upon, and remain upon privately owned lands for such purposes, and shall not be subject to arrest or trespass while so engaged or for such cause thereafter. They may arrest on sight, without warrant, any person detected by them in the act of violating any of the provisions of this chapter. They shall have the same rights as sheriffs to require aid in arresting with or without process any person found by them violating any of the provisions of this chapter and may seize without process anything declared by this chapter to be contraband. Conservation officers, sheriffs, constables and other officers charged with the enforcement of the fish and game laws shall have the authority to arrest any person who is hunting or fishing on any property and who has been ordered by the owner or person in possession of the property to leave said property and has refused to do so. No liability shall be incurred by any person charged or directed in the enforcement of this chapter.

(2) Conservation officers and other officers charged with the enforcement of this chapter, shall have the authority to call for and inspect the license or badge of any person engaged in any activity for the performance of which a license is required under this chapter, and shall also have the authority to take proper identification of any person, or hunter, or fisherman who is actually engaged in any of these activities, and to call for and inspect any and all firearms being carried upon the person of any person so engaged.

(3) No person shall resist, obstruct, interfere with or threaten or attempt to intimidate or in any other manner interfere with any officer in the discharge of his duties under the provisions of this chapter.

HB 350: AN ACT relating to Mental Health.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Interstate Compact on Mental Health is hereby enacted into law and entered into by this state with all other states legally joining therein as follows:

INTERSTATE COMPACT ON MENTAL HEALTH

The contracting states solemnly agree that:

Article I

The party states find that the proper and expeditious treatment of the mentally ill and mentally deficient can be facilitated by cooperative action, to the benefit of the patients, their families, and society as a whole. Further, the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that, on the contrary, the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare and to establish the responsibilities of the party states in terms of such welfare.

Article II

As used in this compact:

(a) "Sending state" shall mean a party state from which a patient is transported pursuant to the provisions of the compact or from which it is contemplated that a patient may be so sent.

(b) "Receiving state" shall mean a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

(c) "Institution" shall mean any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency.

(d) "Patient" shall mean any person subject to or eligible as determined by the laws of the sending state, for institutionalization or other care, treatment, or supervision pursuant to the provisions of this compact.

(e) "After-care" shall mean care, treatment and services provided a patient, as defined herein, on convalescent status or conditional release.

(f) "Mental illness" shall mean mental disease to such extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

(g) "Mental deficiency" shall mean mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

(h) "State" shall mean any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Article III

(a) Whenever a person physically present in any party state shall be in need of institutionalization by reason of mental illness or mental deficiency, he shall be eligible for care and treatment in an institution in that state irrespective of his residence, settlement or citizenship qualifications.

(b) The provisions of paragraph (a) of this article to the contrary notwithstanding, any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion or portions thereof. The factors referred to in this paragraph shall include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as shall be considered appropriate.

(c) No state shall be obliged to receive any patient pursuant to the provisions of paragraph (b) of this article unless the sending state has given advance notice of its intention to send the patient; furnished all available medical and other pertinent records concerning the patient; given the qualified medical or other appropriate clinical authorities of the receiving state an opportunity to examine the patient if said authorities so wish; and unless the receiving state shall agree to accept the patient.

(d) In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient

under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

Article IV

(a) Whenever, pursuant to the laws of the state in which a patient is physically present, it shall be determined that the patient should receive after-care or supervision, such care or supervision, may be provided in a receiving state. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state shall have reason to believe that after-care in another state would be in the best interest of the patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such after-care in said receiving state, and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient, and such other documents as may be pertinent.

(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state and the appropriate authorities in the receiving state find that the best interest of the patient would be served thereby, and if the public safety would not be jeopardized thereby, the patient may receive after-care or supervision in the receiving state.

(c) In supervising, treating, or caring for a patient on after-care pursuant to the terms of this article, a receiving state shall employ the same standards of visitation, examination, care, and treatment that it employs for similar local patients.

Article V

Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state, that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escape in a manner reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, he shall be detained in the state where found pending disposition in accordance with law.

Article VI

The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this compact through any and all states party to this compact, without interference.

Article VII

(a) No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state.

(b) The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this compact, but any two or more party states may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibility therefor.

(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this compact.

(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a non-party state relating to institutionalization, care or treatment of the mentally ill or mentally deficient, or any statutory authority pursuant to which such agreements may be made.

Article VIII

(a) Nothing in this compact shall be construed to abridge, diminish, or in any way impair the rights, duties, and responsibilities of any patient's guardian on his own behalf or in respect of any patient for whom he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court may by law require, relieve the previous guardian of power and responsibility to whatever extent shall be appropriate in the circumstances; provided, however, that in the case of any patient having settlement in the sending state, the court of competent jurisdiction in the sending state,

shall have the sole discretion to relieve a guardian appointed by it or continue his power and responsibility, whichever it shall deem advisable. The court in the receiving state may, in its discretion, confirm or reappoint the person or persons previously serving as guardian in the sending state in lieu of making a supplemental or substitute appointment.

(b) The term "guardian" as used in paragraph (a) of this article shall include any guardian, trustee, legal committee, conservator, or other person or agency however denominated who is charged by law with power to act for or responsibility for the person or property of a patient.

Article IX

(a) No provision of this compact except Article V shall apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institutionalization is due to the commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

(b) To every extent possible, it shall be the policy of states party to this compact that no patient shall be placed or detained in any prison, jail or lockup, but such person shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

Article X

(a) Each party state shall appoint a "compact administrator" who, on behalf of his state, shall act as general coordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence, and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder.

(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.

Article XI

The duly constituted administrative authorities of any two or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or cooperative basis whenever the states concerned shall find that such agreements will improve services, facilities, or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as

to relieve any party state of any obligation which it otherwise would have under other provisions of this compact.

Article XII

This compact shall enter into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with any and all states legally joining therein.

Article XIII

(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact.

(b) Withdrawal from any agreement permitted by Article VII (b) as to costs or from any supplementary agreement made pursuant to Article XI shall be in accordance with the terms of such agreement.

Article XIV

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Section 2. The governor is authorized and empowered to designate an officer who shall be the compact administrator and who, acting jointly with like officers of other party states, shall have power to promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator shall serve subject to the pleasure of the governor, and is authorized, empowered and directed to cooperate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or of any supplementary agreement or agreements entered into by this state thereunder.

Section 3. The compact administrator is authorized and empowered to enter into supplementary agreements with appropriate officials of other states pursuant to Articles VII and XI of the compact.

In the event that such supplementary agreements shall require or contemplate the use of any institution or facility of this state or require or contemplate the provision of any service by this state, no such agreement shall have force or effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

Section 4. The compact administrator, subject to the approval of the Commissioner of Finance, may make or arrange for any payments necessary to discharge any financial obligations imposed upon this state by the compact or by any supplementary agreement entered into thereunder.

Section 5. Duly authenticated copies of this act shall be transmitted by the Secretary of State to the governor of each state, the Attorney General and the Secretary of State of the United States, and the Council of State Governments.

HB 351: AN ACT relating to mental health.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 210.050 of the Kentucky Revised Statutes is amended to read as follows:

The Department of Mental Health shall be divided for administrative purposes into:

(1) A Division of Professional Services, which shall supervise the administration of the clinical work in the state hospitals, conduct research on the incidence, causes and treatment of mental disorders, conduct training programs for clinical personnel and maintain a system of clinical records and statistics;

(2) A Division of Hospital Administration which shall be responsible for administration of the function of the department in relation to budgets, expenditures, purchasing, maintenance, building projects, reimbursements, financial records and food service;

(3) A Division of Community Services, which shall administer psychiatric clinic service within the state, train professional personnel for staffing state and local health programs, and develop a program for public mental health education;

(4) Such other divisions as the Commissioner of Mental Health, upon written authorization of the Governor, may establish for administrative supervision of other functions of the department.

Section 2. Section 210.120 of the Kentucky Revised Statutes is amended to read as follows:

No physician or doctor employed by the Department of Mental Health shall receive or accept any compensation for personal services

other than that paid by the state, except that the commissioner, and other physicians and doctors when so authorized by the commissioner, may be employed in, and receive compensation from outside activities such as teaching, research, or community service work, to an extent that will not interfere with the performance of the duties of their office or employment.

Section 3. Section 210.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) There hereby is created a Department of Mental Health which shall constitute a statutory administrative department of the state government within the meaning of KRS Chapter 12. The department shall be headed by a Commissioner of Mental Health who shall be the executive officer and shall have sole charge of the administration of the department.

(2) The commissioner shall have authority, with the approval of the Governor, to appoint an assistant commissioner and directors of the various divisions in the department, and prescribe their duties. The assistant commissioner may be designated as director of a division.

(3) The commissioner shall have authority to prescribe rules and regulations for the administration of the department and of the institutions under the control of the department, including power to regulate the payment of money to patients in mental institutions for work performed.

HB 352: AN ACT relating to alcoholism and alcoholics and providing for the commitment, scientific treatment and rehabilitation of alcoholics:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The purpose of this act is to provide a program for the rehabilitation of alcoholics through the use of medical, psychiatric and other forms of treatment for alcoholism.

Section 2. As used in this Act, unless the context otherwise requires:

(1) "Alcoholism" means the abnormal condition which the effect of alcohol produces in a person who is an alcoholic.

(2) "Alcoholic" means any person who chronically and habitually uses alcoholic beverages to the extent that he loses the power of self-control with respect to the use of alcoholic beverages; or any person who chronically and habitually uses alcoholic beverages to the extent that he becomes a menace to the public morals, health, safety or welfare of the members of society in general.

Section 3. The circuit court or the county court of the county in which the person alleged to be an alcoholic resides shall have jurisdic-

tion in all proceedings for the commitment, care and treatment of alcoholics.

Section 4. (1) Proceedings for the commitment, care, and treatment of any person alleged to be an alcoholic may be instituted by such person's husband, wife, child, mother, father, or by the county health officer of the county in which the person resides by filing with the clerk of the circuit court or with the clerk of the county court a petition for the trial and commitment of such person.

(2) Said petition shall allege that such person is an alcoholic, is a resident of the county in which the proceeding is initiated, and because of his alcoholism is incapable of or unfit to look after and conduct his affairs, or is dangerous to himself or others, or has lost his power of self-control because of periodic, constant or frequent use of alcoholic beverages, and that he is in need of care and treatment, and that his detention, care and treatment at an institution will improve his health.

Section 5. The defendant shall be notified of the proceedings by a summons issued requiring the defendant to appear at a time and place stated in the summons and not less than three days after service.

Section 6. (1) At the time fixed, the Court shall hear evidence on said petition, with or without the presence of the alleged alcoholic, and all persons interested shall have the right to appear and present evidence concerning the truth and correctness of the allegations of the petition.

(2) The court, in its discretion, may require that the alleged alcoholic be examined by the county health officer or by such other competent physician or physicians as the court may select, and may consider the results of such examination in reaching a decision.

(3) If the alleged alcoholic shall admit the truth and correctness of the allegations of the petition, or if the court shall find from the evidence that such person is an alcoholic and is in need of detention, care and treatment in an institution, he shall enter an order so finding and shall order that such person be remanded and committed to and confined in the proper state hospital with facilities for treatment of alcoholics to be designated by the Commissioner of Mental Health for care and treatment for a period not to exceed six months.

Section 7. When such person shall be so committed, the superintendent of the institution shall be vested with full discretion as to the treatment and discharge of such person, and may discharge and release such person at any time when the condition of such person shall so justify but in no event shall such person be confined for a period of longer than six months.

Section 8. (1) When any person is committed under Section 6 of this act the court shall at once notify the superintendent of the in-

stitution that such an order has been made and shall designate a competent attendant to convey the person to the institution.

(2) The county from which such person is committed shall pay the cost of transportation for the patient and the attendant.

Section 9. (1) Any resident of the Commonwealth of Kentucky may apply for treatment for alcoholism by filing a written application with the clerk of the circuit court or with the clerk of the county court of the county in which he resides. Any such application shall be supported by a medical statement, made by a licensed physician, stating that in the opinion of the physician the applicant is an alcoholic and that the applicant is mentally competent to make such application.

(2) Upon receipt of such application by the clerk he shall refer the application to the proper court, and the court shall have the authority to order and direct treatment of the applicant as in Section 6 of this act.

(3) Any applicant, committed under this section, having an estate which can be subject to debt, shall pay the cost of his own transportation and that of any attendant ordered by the court to accompany him to the institution to which he is ordered.

Section 10. The provisions of the law with respect to the cost of support, including methods of determination of persons liable therefor, and methods of determination of financial ability, and all provisions of law enabling the Commonwealth to secure reimbursement of any such items of cost, applicable to support of the mentally ill persons in state institutions, shall apply with equal force in respect to each item of expense incurred in connection with the care, custody, treatment and rehabilitation of any person committed to and maintained in any state institution under the provisions of this act.

Section 11. (1) No person who is committed to any state institution for treatment under the provisions of this act shall forfeit or be abridged thereby of any of his rights as a citizen of the United States or of the Commonwealth of Kentucky.

(2) The records pertaining to any person committed to a state institution for treatment, care, guidance and rehabilitation under this act shall be confidential and the contents thereof shall not be divulged except as provided by law in the case of a mentally ill person committed to a state institution.

HB 353: AN ACT relating to the transportation of mental patients.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 202.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the superintendent of any institution receives the notice provided for by KRS 202.180, he shall immediately send a competent attendant or shall designate a competent person from the county in which the person has been adjudged insane to convey the person to the institution, and only the actual traveling expenses of conveying any person to the institution shall be paid. Each female committed to any institution shall be accompanied by a female attendant, unless accompanied by her father, brother, husband or son. No more than one person shall be compensated from the State Treasury for conveying a patient.

(2) Itemized statement of such expenses shall be approved by the superintendent and forwarded to the Commissioner of Mental Health, who shall present the statement to the Department of Finance. Expenses shall be paid in the same manner as that prescribed for the payment of claims. Expenses incurred in returning patients to counties from which they were sent shall be paid in the same manner as expenses incurred in conveying patients to institutions.

HB 357: AN ACT changing the classification of the City of LaGrange, in Oldham County.

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of LaGrange, in Oldham County, is such as to justify its being classified as a city of the fourth class;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of LaGrange, in Oldham County, is transferred from the fifth to the fourth class of cities.

HB 377: AN ACT relating to forest fire protection.

WHEREAS, the timberlands of the Commonwealth, consisting of 11,500,000 acres out of a total area of 25,513,000 acres, with forest acreage in every county of the Commonwealth ranging from two to ninety-two percent, constitute one of its most valuable resources, furnishing raw products to approximately eleven hundred plants and mills in the state employing eighteen thousand persons with an annual payroll of \$37,000,000, providing protection and habitat to wildlife resources and contributing more than any other factor to the success of water conservation and flood control programs;

WHEREAS, under the present law only forty-seven counties, representing 6,873,000, or approximately fifty-nine percent of the total timberland acreage, are participating in and receiving protection under the state voluntary cooperative fire protection plan; and under such law, during the last five years, 18,695 fires have occurred in non-par-

ticipating counties as against seven thousand, eight hundred and sixty-five fires in participating counties;

WHEREAS, Kentucky ranks fourth in the states of the Union in number of individual timberland owners, there being 243,488 of such owners in the Commonwealth, and is the only state in region seven of the United States forest service consisting of fourteen states that does not have a state-wide forest fire control law; and

WHEREAS, forest fire prevention, detection and suppression is the concern of every county in the state and is necessary if the natural resources and general economy of the state is to be maintained;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) "Director" means the Director of the Division of Forestry.

(2) "Division" means the Division of Forestry.

(3) "Timberland" means any land which has enough timber or woody brush, standing or down, to constitute a fire menace to itself or adjoining lands, but does not include lands under cultivation or entirely in grass, nor land that is an isolated fire risk unless a fire on it would imperil the lands of an adjoining landowner.

Section 2. (1) It shall be the duty of the division to establish and maintain a state-wide system of forest-fire prevention, detection and suppression.

(2) The division shall formulate a plan and program subject to the approval of the Commissioner of Conservation to extend forest fire protection to all counties not now participating in the state program. The plan shall provide for the establishment of such protection in all the counties of the state on or before January 1, 1964.

Section 3. (1) Each county receiving state forest fire protection on the effective date of this Act shall repay into the division until January 1, 1959, and amounts expended in the preceding month by the division in such county for forest fire protection, not exceeding in any one year an amount equivalent to two cents per acre of privately owned timberlands in the county, according to the United States Forest Reappraisal Study of 1945 subject to additions and deductions of acreage since the making of such study.

(2) When facilities and trained personnel are available the director may give written notice to the county judge of any county not now participating in the state protection program that such services are available for establishment. Such notice shall be given at least sixty

days before January 1 of the year in which the program is to be established.

Section 4. (1) After January 1, 1959, all counties receiving state forest fire protection and all counties having received notice of the intended establishment of such service shall annually pay to the division a sum equivalent to two cents per acre of privately owned timberlands according to the United States Forest Reappraisal Study of 1948-1952, subject to additions and deductions of acreage since the making of such study. Such payments shall be due and payable on September 15 following the assessment.

(2) Contributions may be met out of the general funds of the county and in addition the fiscal court may require each owner of timberland in the county to participate directly by paying into a special county forest fire protection fund an assessment not exceeding three cents per year for each acre of timberland of which he is the owner.

(3) In any case in which the division and the governing body of any county cannot agree upon the additions or deductions to privately owned forest acreage in a particular county, or to changes in forest acreage from year to year, the question shall be submitted to the judge of the circuit court of the county by a summary and informal proceeding, in term or vacation, and a decision of the judge, certified to the governing body and to the division respectively, shall be conclusive and final.

Section 5. (1) If the county governing body requires the owners to participate, it shall determine the amount of the assessment for each acre, and shall order the assessment to be paid into the county treasury by the owners of all timberland located in the county.

(2) It shall be the duty of each owner of timberland situated in the county to list or have listed such property with the county tax commissioner within the time provided for assessing property for state and county ad valorem taxes.

(3) Timberland shall be listed by the owner of the first freehold estate therein, and it shall be listed without reference to conflicting title. The listing shall be made at the same time and in the same manner in which declarations of real property owned are made with the county tax commissioner for assessment purposes. If the owner fails to list the timberland, the county tax commissioner shall list it. The county tax commissioner shall have the power to swear witnesses in order to ascertain the person in whose name to make the list.

(4) All persons in whose name the timberland acreage is properly listed shall remain bound for the assessment, notwithstanding they may have sold or parted with it.

Section 6. The county tax commissioner shall include on the regular property tax roll an accurate record of the acreage of timberland listed in the name of each owner in the county.

Section 7. (1) When the property tax rolls are delivered to the county clerk by the county tax commissioner, as required by law, the county clerk shall compute the assessment due the county from each owner of timberland in accordance with the rate fixed by the county governing body and the amount of timberland acreage indicated on the property tax roll.

(2) The computation shall be made on the regular tax bills in such manner as may be directed by regulation of the Department of Revenue.

(3) The county clerk shall deliver these bills to the sheriff for collection as provided in KRS 133.220 (3).

Section 8. (1) The sheriff shall collect the assessment at the same time and in the same manner in which he collects the state and county ad valorem tax. He shall issue a receipt to the taxpayer, report to the county court, and make his annual and final settlements with the fiscal court at the same time and in the same manner provided by law for his report and settlement of county and state taxes.

(2) Such assessments shall become due and payable on the date, and subject to the same discounts, delinquency date, and penalties provided in KRS 134.020 for state, county and district taxes.

Section 9. A separate fund shall be maintained by the county treasurer to be known as the county Forest Fire Protection Fund. The assessments collected from each timberland owner, together with penalties, shall constitute the fund and it shall be used only for making payments to the division in accordance with provisions of Section 4 hereof.

Section 10. (1) Any person aggrieved by a listing of any portion of his property as timberland by the county tax commissioner may file a protest with the county judge, provided the protest is in writing and is made within thirty days of receipt of notice of the listing. Protest may be made on the ground that the land or any portion so listed is not timberland, or that the timberland so listed will not be benefited by the forest fire protective system then in effect, or benefited by the proposed forest fire protective system if the assessment is being made for the first time in that county.

(2) The county judge shall hear all protests properly filed. Protests shall be heard within a reasonable time after the filing thereof, and reasonable notice shall be given to the protestant and the director of the division as to the time and place of the hearing. The county judge shall have authority to issue subpoenas to compel the attendance of any witness desired by any interested party, and he shall be authorized to administer the oath to any witness.

(3) Proceedings for hearing any protest shall be summary and the findings of the county judge shall be final, and an order shall be en-

tered either dismissing the protest or directing the proper county officials to alter their records in accordance with the findings.

Section 11. Sections 149.100, 149.110, 149.120, 149.135, 149.140, 149.150, 149.151, 149.152, 149.153, 149.154, 149.155, 149.156, 149.157, and 149.190 of the Kentucky Revised Statutes are repealed.

HB 426: AN ACT relating to the operation of school busses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 189.375 of the Kentucky Revised Statutes is amended to read as follows:

Section 1. No school bus shall be licensed or operated for the transportation of school children unless it has a folding sign on the driver's side thereof, with letters at least six inches in height and displaying the word "Stop" on both sides. Upon stopping the school bus the driver shall open out the sign so that it will be plainly visible to traffic approaching from both directions. No driver shall stop a school bus for loading or unloading purposes in a no passing area, such as a hill or curve, which does not afford reasonable visibility to approaching motor vehicles from both directions.

Section 2. Any person who violates any provision of this Act shall be fined not less than ten nor more than one hundred dollars.

HB 427: AN ACT relating to motor vehicle operation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall engage upon any street or highway in motor vehicle racing, drag racing, or any other form of competition involving motor vehicles.

Section 2. Any person who violates this Act shall be fined not less than fifty dollars nor more than two hundred dollars or be imprisoned for not more than thirty days, or both.

HB 447: AN ACT relating to parole.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 345 of the Criminal Code of Practice is amended to read as follows:

If the defendant, upon a new trial, be again convicted, the period of his former confinement in the penitentiary shall be allowed the prisoner by the Division of Corrections of the Department of Welfare, in determining the prisoner's eligibility date for parole on the new sentence and release date by expiration of sentence.

HB 448: AN ACT relating to prison traffic.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who delivers, conspires with others to deliver, or attempts to deliver any article or thing to any prisoner confined in a state penal institution, or who shall receive any article or thing from any prisoner and conveys or attempts to convey it out of said institution, contrary to the rules and regulations thereof, shall be imprisoned for not less than one year nor more than five years.

HB 466: AN ACT relating to the Kentucky Employees Retirement System, and extending coverage to employees of the Department of Military Affairs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.510 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 61.510 to 61.700, unless the context otherwise requires:

(1) "System" means the Kentucky Employees Retirement System created by KRS 61.510 to 61.700;

(2) "Board" means the Board of Trustees of the system as provided in KRS 61.645;

(3) "Department" means any state department, board or agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520;

(4) "Examiner" means the medical examiner or examiners as provided in KRS 61.665;

(5) "Employee" means every person regularly employed in rendering service to and for a department and whose compensation is payable in whole or in part by such department. The term shall include all full-time, regular employees of the board and employees of the Department of Military Affairs whose compensation is paid wholly or in part by the federal government. In case of any doubt, the board shall determine if a person is an employee within the meaning of KRS 61.510 to 61.700.

(6) "Employer" means a department or any authority of such department having the power to appoint an employee to office or employment in such department;

(7) "State" means the Commonwealth of Kentucky;

(8) "Member" means any employee who is included in the membership of the system;

(9) "Service" means the total of current service and prior service as defined herein;

(10) "Current service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, on and after July 1, 1956, for which compensation is paid by the employer during which employment the employee is a member of the system, except as otherwise provided in KRS 61.620;

(11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1956, for which compensation was paid by the employer.

(12) "Beneficiary" means any person entitled to receive benefits under KRS 61.510 to 61.700;

(13) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' contribution account, together with interest credited on such amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(14) "Creditable compensation" means the compensation to an employee (arising from funds disbursed by the State Treasurer or, with respect to employees of the Department of Military Affairs, arising from funds disbursed either by the State Treasurer or by the federal government) working the full working time for his position. In cases where compensation includes maintenance and other perquisites, the board shall fix the value of that part of the compensation not paid in money;

(15) "Final compensation" of a member means the creditable compensation to the member during the five calendar years he was paid at the highest average monthly rate of any of the last ten years of creditable compensation preceding the member's retirement date divided by the number of months of service during that five-year period. Said five years may be fractional, need not be consecutive, and include only years during which creditable compensation is received by the member. In no case will final compensation be less than that determined on the assumption that the member retired on his normal retirement date. All benefits shall be paid in accordance herewith.

(16) "Retirement allowance" means the retirement payments to which a member is entitled;

(17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such actuarial tables as are from time to time adopted by the board;

(18) "Normal retirement date" means the sixty-fifth birthday of a member or the date on which the member completes ten years of service, whichever occurs later, except that in no case will a member's normal retirement date be later than his seventy-fifth birthday. The normal retirement date for any member who has passed his seventy-fifth birthday on the date he becomes a member shall be the date he

becomes a member, except as otherwise provided in KRS 61.590. Notwithstanding anything to the contrary contained in this sub-section (18), the normal retirement date of a member shall not be earlier than July 1, 1957;

(19) "Fiscal year" of the system means the twelve months from July 1 through the following June 30.

Section 2. Section 61.560 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) Each member shall, commencing on the date he becomes a member, contribute for each pay period for which he receives compensation two and one-half percent of his creditable compensation if his rate of annual compensation does not exceed \$4,200. If such member's rate of annual compensation exceeds \$4,200, he shall contribute two and one-half percent of that portion of his creditable compensation not in excess of the equivalent applicable rate for such pay period to annual compensation of \$4,200 and four percent of that portion of his creditable compensation which is in excess of such rate applicable to annual compensation of \$4,200.

(b) Each employee of a department on the date the department first participates in the system who elects to become a member subsequent to such date, but prior to the next succeeding October 1, shall make contributions which he would have made if he had elected to become a member as of the date such department first participated.

(2) The Commissioner of Finance shall cause to be deducted from the salary or compensation of each member whose compensation is paid by the state, for each and every payroll period subsequent to the date of establishment of the system, and the Adjutant General shall collect from each member in the Department of Military Affairs, whose compensation is paid wholly or in part by the federal government at the time of payment, the contribution payable by each such member as provided in KRS 61.510 to 61.700, but in no case shall any deduction be made from the compensation of a member after his normal retirement date if such member elects not to contribute.

(3) In determining the creditable compensation of a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and, to facilitate the making of deductions, may allow the omission of deductions from any fractional amount less than one dollar from any member in any period and may allow the omission of deductions from compensation for any period less than a full payroll period if any employee was not a member on the first day of the payroll period.

(4) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made as provided herein; and

payment of salary or compensation less such deductions shall be a full and complete discharge of all claims for services rendered by such person during the period covered by such payment, except as to any benefits provided by KRS 61.510 to 61.700.

(5) Notwithstanding any other provisions of this section, no deduction shall be made from any member's compensation if the employer's contribution required hereunder is in default.

HB 480: AN ACT relating to the State Fair Board.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 247.090 of the Kentucky Revised Statutes is amended to read as follows:

(1) The State Fair Board shall be composed of nine members, as follows:

- (a) The Governor;
- (b) The Commissioner;
- (c) The Dean of the College of Agriculture of the University of Kentucky; and

(d) Six members appointed from the state at large by the Governor with due consideration to geographical distribution throughout the state.

(2) The terms of the present six appointed members of the board shall be for four years, dating from the beginning of the terms for which they were respectively appointed, and until their successors are appointed and qualify, the beginning date being calculated as of December 12, 1944, for two of the terms, December 12, 1945, for two of the terms, and December 12, 1946, for two of the terms. As the terms of each group of two members expire, the Governor shall appoint successors for terms of four years and until their successors are appointed and qualify. Beginning with the appointments to be made for the terms commencing December 12, 1948, one member of the first group of two successor members to be appointed shall be appointed from a list of six nominees consisting of three names from each of the two political parties polling the largest number of votes in the state at general elections submitted to the Governor by the governing body of the Kentucky Livestock Improvement Association; one member of the second such group shall be appointed from a list of six nominees so submitted by the governing body of the American Saddle Horse Breeders Association; and one member of the third such group shall be appointed from a list of six nominees so submitted by the governing body of the Kentucky Farm Bureau Federation. The other member of each group of two successor members so appointed shall not be of the same political affiliation as the appointee selected from the nominees submitted by the named organizations, it being the intention hereof that of the six members so appointed by the Governor three shall be ap-

pointed from each of the two political parties polling the largest number of votes in the state at general elections.

(3) In case of a vacancy among the appointed members of the board, the unexpired term so occurring shall be filled by the Governor, who shall appoint a person having the same required qualifications as the person who theretofore held such office.

Recess

Senator Bassett moved that the Senate recess for ten minutes. Agreed. At the appointed hour, the Senate was called to order by Senator McCann.

Report of Committees

The Rules Committee reported **HB 561, HB 562, SB 351, SB 353, SB 354** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 561: AN ACT relating to sewers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Proceedings under this Act are purely discretionary. This Act is not intended to be in derogation of any other law, and does not repeal or amend any other law.

Section 2. The public health, safety and welfare require that new and alternative measures be authorized to encourage, promote, and make more feasible the provision of facilities for the collection, treatment, and disposal of sewage by cities, by sewer service charges established with due consideration for cost of necessary new or additional facilities, benefits received and to be received, and approximate ultimate equality of financial burden.

Section 3. As used in this Act, unless the context otherwise requires:

(a) "City" means an incorporated municipality of any class, except those communities served by a Metropolitan Sewer District, under the provisions of KRS Chapter 76;

(b) "Governing body" means the municipal legislative body of a city;

(c) "Board of Health" means the State Board of Health;

(d) "Commission" means the State Water Pollution Control Commission;

(e) "Sewer" means any structure or installation for the drainage of liquid wastes, but only insofar as they relate to sanitation and the control of water pollution, as distinguished from the drainage of storm or surface waters; however, where both functions are carried out by the same system, it is to be construed as a sewer;

(f) "Natural drainage area" means any geographical area within which liquids flow by gravity to a common point, which is necessary, reasonable, or practicable from the standpoint of sewage treatment and disposal, as approved by the Board of Health and the Commission.

Section 4. The governing body of any city may classify sewer users upon any reasonable basis and may establish different service rates for each class, provided such rates are uniform as to all sewer users in the same class. Such classifications may be of limited or indefinite duration.

Section 5. In determining and defining special classes, the governing body of a city shall have as its objectives the interests of public health, safety, and general welfare of the entire community, and reasonable ultimate equality of financial burden to users similarly situated.

Section 6. A city may establish a basic sewer service charge or basic schedule of graduated charges, applying to all sewer users alike, and may, in its discretion, establish and apply to one or more special classes of users additional service charges.

Section 7. In prescribing schedules of charges, and in determining the aggregate of revenues required to be raised, the governing body shall consider the cost and value of existing, planned and foreseeably needed sewer facilities, the cost of operation and maintenance, repairs, replacements, extensions and improvements, and financial requirements for the proper servicing of existing and prospective borrowings which may be necessary, or desirable. Charges may be varied by the city in its discretion.

Section 8. The governing body of any city desiring to establish special classes of sewer users shall initiate proceedings by adopting an ordinance to be known as the "First ordinance" which shall state:

(a) The special classes of sewer users proposed to be created, the reasons and justifications for each classification, and the general geographical boundaries of each class, if susceptible of geographical identification;

(b) Whether a basic sewer service charge is proposed;

(c) The charges proposed initially for each special class; or, if such charges are dependent upon factors later to be determined, the formula, method, or basis upon which such charges will be established;

(d) Whether differences in charges, or schedules thereof shall be of indefinite duration, or of limited duration;

(e) Whether immediate construction and installation of sewer facilities, including reconstructing, replacing, repairing, extending, improving, enlarging, adding to, or completing any existing facilities, is proposed, and if so, a brief summary of preliminary findings and recommendations of an engineer, licensed by the Commonwealth, show-

ing the occasion for such necessity and the general nature, scope, and estimated cost thereof; and

(f) The aggregate of revenues to be produced, and the amount of annual revenue estimated to be produced from users of each proposed special class.

Section 9. The First Ordinance shall be published as ordinances are required to be published, or if there is no local requirement of publication, it shall be published one time in a newspaper published in the city, or notice shall be by handbills generally circulated throughout the city. A certified copy of the First Ordinance shall be delivered to the county judge or county court clerk of each county in which any area affected by the ordinance outside the city may be situated, and the county judge, or county court clerk, shall, upon receiving the same, cause it to be posted at the county courthouse door, as in the case of notices of judicial sales of real property.

Section 10. If a city contemplates annexation of areas outside its corporate limits when the First Ordinance is published, or if annexation is then in progress, it may state that its proposed establishment of special classes of sewer users will be applicable to such areas, and is conditioned as to such areas upon the final annexation thereof.

Section 11. The First Ordinance shall provide for a public hearing at a time and place to be specified therein not less than one week after publication. Such hearing shall be presided over by a person or persons designated by the governing body of the city. Written minutes of the meeting shall be kept, and shall be made a part of a written report, to be submitted by the designated presiding person or persons, to the municipal governing body of the city. At such hearing any affected sewer user, including affected prospective sewer users in any area contemplated to be annexed or in the course of annexation proceedings, may appear and be heard.

Section 12. Any sewer user, or prospective sewer user, within any of the proposed special classes of sewer users may appear at the public hearing in person or by a representative and may submit in writing a statement of any reasons for advocating, or objecting to, any matter set forth in the required notice. Such statement shall be attached to, or included in, the written report of the hearing. The person presiding at the hearing may require those in attendance to identify themselves as sewer users, or prospective sewer users, and may call for a vote of persons properly identified, on any pertinent matter. The results of such vote shall be included in the subsequent written report to the governing body. The hearing may be adjourned to convene again, either at a time and place announced at the hearing, or upon public notice of such time and place, to be made in the same manner as that required for First Ordinances.

Section 13. At any subsequent regular meeting of the governing body the written report of the public hearing concerning the First Ordinance shall be submitted. At such meeting, any sewer users, or prospective sewer user, may again be heard, in person or by representative. The governing body may adopt an ordinance to be known as the "Second Ordinance" which may provide for rejection or adoption or partial adoption of the First Ordinance proposals, or total or partial adoption with modifications. If the governing body shall determine that more than fifty percent of the sewer users or prospective sewer users, both in number and in source of projected revenues, object to the proposals finally adopted by the governing body, it may adopt the Second Ordinance only upon the affirmative vote of three-fifths of the membership of the governing body. The Second Ordinance shall be published in the same manner as required with respect to the First Ordinance.

Section 14. (1) Any sewer user, or prospective sewer user, affected by the Second Ordinance may, within thirty days after publication of the Second Ordinance, file an action in the circuit court of the county in which the city is situated attacking the validity of the Second Ordinance from the standpoint of whether the governing body acted in conformity with the procedures made mandatory by this Act. Provided, however, that if any aggrieved sewer user or prospective sewer user files in the office of the city clerk a written notarized statement of intent to file such an action, the time for filing actions in the circuit court shall be fifteen days after such notice of intent to sue is filed with the clerk, or thirty days after publication of the Second Ordinance, whichever is later.

(2) Proceedings in the circuit court shall be tried according to the practice prescribed for equity cases.

(3) There shall be no appeal from the judgment of the circuit court, except as to constitutional questions.

(4) In the event an action is filed as provided for by this Act, the effective date of the proposed sewer service charges as prescribed by the Second Ordinance shall be the date judgment is entered by the circuit court, if such judgment is favorable.

HB 562: AN ACT relating to sanitary sewers, involving water suppliers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly hereby recognizes and declares that the use of water in any manner tending to contaminate it, raises a correlative public duty to provide for the proper disposition thereof according to the highest public health standards, and that such public duty includes full responsibility for paying the cost of such disposition.

Section 2. As used in this Act, unless the context otherwise requires:

- (a) "City" means an incorporated municipality of any class;
- (b) "Governing body" means the body vested by law with the legislative power of a city;
- (c) "Sewer body" means the body vested with responsibility for the control, operation, and maintenance of a city's sewer facilities, which may be the governing body or a board, commission, or agency, created by statute or by city ordinance, or a private person, performing such functions under lawful contract with the city;
- (d) "Water supplier" means any person supplying water intended to be used, or actually used, in any manner resulting in contamination and includes the city itself, other cities and public bodies, and private operators of water-supplying facilities;
- (e) "Public health standards" means such standards as are lawfully prescribed from time to time by the State Board of Health, the United States Public Health Service, or any lawfully constituted county, city, or other public board, department, or agency, vested with responsibility in this area.

Section 3. In the interests of the public health, safety, and general welfare, cities may enforce collection of lawful rates and charges for the use of municipal sewer facilities by requiring that water service, whether provided publicly or privately, be discontinued until payment is made or some satisfactory arrangement is reached. Cities may delegate to sewer bodies the power to issue orders to water suppliers to discontinue service to any person who is delinquent in paying sewer charges.

Section 4. (1) If a city is also the water supplier, the governing body may provide that rates for water service and sewer service be billed simultaneously and that water service shall be discontinued upon failure to pay any part of such charges, including penalties, interest, and reasonable fees for disconnection and reconnection;

(2) If a city is not also the water supplier, then in the event of failure on the part of any sewer user to pay, when due, the bill for sewer service charges, the sewer body may, when such power has been delegated to it by the city, give notice in writing, signed by an authorized person, to the water supplier, to discontinue water service to premises designated in the notice, until notified otherwise. The notice shall identify the delinquent sewer user in such manner as reasonably to enable the water supplier to identify the water service connection which is to be cut off pursuant thereto. Upon receipt of such notice, the water supplier shall discontinue water service to the premises until notified otherwise by the sewer body.

Section 5. (1) A water supplier may in writing served upon the city clerk, set forth (a) reasonable fees or charges for disconnect-

ing and reconnecting water service connections, and (b) whether or not it will require that an authorized agent of the sewer body accompany its own agent or employe when disconnection is undertaken pursuant to any order to discontinue service by the sewer operator.

(2) If, at the time a water supplier receives notice to discontinue service the terms of the written instrument delivered to the city clerk require that an authorized agent of the sewer body be present when the water connection is cut off, the water supplier shall not be required to effect the discontinuance of water service if it is unable to procure the presence of an authorized agent of the sewer body.

Section 6. No payment of the bill for sewer service charges disputed by the sewer user shall be deemed a waiver by the sewer user of any right thereafter to claim and recover from the sewer body any and all sums improperly included in the bill. In the event of such dispute, the authorized agent of the sewer body may make adjustment for any apparent error in mathematical computation of the bill, he may tentatively agree to any proposed plan for delayed payment, or he may refer the dispute to the sewer operator for consideration. In such event the agent of the sewer body may direct that the water service not be discontinued at that time, and he shall endorse such direction upon the water supplier's discontinuance notice. If a water supplier is directed not to discontinue service, after sending an agent to perform such duty, it shall be entitled to receive its proper fee as if the discontinuance had been made.

Section 7. Any sewer body and any water supplier may enter into a contract relating to any of the provisions of this Act. Such contract may provide that the water supplier shall furnish to the sewer body copies of its records, or that the water supplier will compute sewer charges for the sewer body. However, no such contract shall render nugatory the right of a sewer body, to order water suppliers to terminate water service to any premise, provided such authority has been delegated to the sewer body by the city.

Section 8. No water supplier who discontinues water service pursuant to an order from the sewer body as provided in this Act, shall incur any liability by reason thereof, except to the extent of its own negligence or other improper conduct.

Section 9. Any water supplier which wrongfully fails or refuses to discontinue water service pursuant to an order properly made to it by a sewer body and continues such failure or refusal for a period of thirty days after receipt of the notice, shall be liable to the sewer body for any amount due from the sewer user involved.

SB 351: AN ACT relating to elections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 126.140 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Absent voter" includes any qualified voter who in good faith expects in the course of his business or duties to be absent from the county wherein he is registered to vote, except a voter who has voted only by absentee ballot for more than four years preceding; and any qualified voter who is eligible for absent registration under KRS 126.170;

(2) "Election" includes any regular election, primary election or special election, for any federal, state, district, county or city office, including school district offices, and any election upon a public question;

(3) "Armed Forces" includes the Air Force, the Army, the Coast Guard, the Marine Corps and the Navy.

Section 2. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) Application for absent voter's ballots shall be signed and sworn to by the absent voter before a civil officer authorized by law to administer an oath. The application shall be substantially in the following form:

"County Court Clerk of _____ County, _____, Kentucky.

"I, _____, state that I am a resident of the Commonwealth of Kentucky, that I have been such for at least one year prior to the date hereof, and that I have not voted only by absentee ballot for a period longer than four years. I am a resident of _____ County and have been such for more than six months prior to said date and that on the day of the election to be held on ____ day of _____, 19____, I expect to be absent from the county in the course of my business or duties for the following reasons:_____; that I am a resident of _____ precinct of said county (or _____ ward of the city of _____, County of _____), and have been such for at least sixty days prior to said date; that I reside at _____ (house number and street address, if in city, or county road and nearest neighbor, if in county) that I will be at least eighteen years of age by the day of the next election and that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the _____ political party; I request that an official ballot be mailed to me at the following address:

(Name and address)

(Rank and unit of a member or the spouse of a member of the
Armed Forces)

(Department of United States Government if an employe or the
spouse of an employe stationed abroad)

"I understand that this application is subject to grand jury investigation and that the penalty for false representations on this application is one to five years in the penitentiary."

(Voter must sign here, and oath must
be administered and attested.)

"Subscribed and sworn to before me this ____ day of _____,
19_____.

(Name and Official Title)"

(2) Application for an absentee ballot by members of the Armed Forces on a Federal Post Card Application prescribed by Congress shall be deemed to be in substantial conformance with the requirements of this Section.

(3) No officer who is a candidate shall administer the oath required in making application for an absentee ballot. This prohibition shall also apply to official deputies of candidates.

Section 3. Section 126.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon receipt of any application for an absent voter's ballot, the county court clerk shall examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds that the applicant is so registered, he shall forward a ballot to the voter as provided in KRS 126.190. If the county court clerk does not find the applicant to be so registered, and if the application does not indicate that the applicant is a member or the spouse of a member of the Armed Forces, or an employe or the spouse of an employe of the United States Government stationed abroad, the clerk shall immediately mail a letter to the applicant, at the address stated in the application, advising him that his application cannot be honored because of the fact that he is not registered, and advising him what period of time, if any, remains in which he may register prior to such election, and the clerk shall place the application in a file entitled "Nonregistered Applicants for Absent Voters' Ballots". If the clerk thereafter, and prior to the election, receives notice from the applicant advising the clerk that the applicant has registered, the clerk shall again examine the registration books, and if he finds that the applicant has registered he shall remove the application from the nonregistered applicants' file and forward a ballot as provided in KRS 126.190. Any applications not so removed

from the nonregistered applicants' file shall be retained in such file until six months after the election when they shall be burned by the clerk in the presence of the judge and sheriff of the county. If the application of a person found not to be registered indicates that the applicant is a member or the spouse of a member of the Armed Forces, or an employe or the spouse of an employe of the United States Government stationed abroad, the county court clerk, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered in the registration records of the proper precinct, and shall mark upon such registration records the words "Absentee Registration". Such registration may be made at any time prior to the election for which application for an absent voter's ballot is made.

(2) Any person who has been registered under the provisions of subsection (1) of this Section shall be required to reregister in person upon his first return to the county of his residence at a time when the books are open.

(3) The oath required of a member or the spouse of a member of the Armed Forces shall be taken as specified in KRS 384.080 and the oath required of a civilian employe of the United States Government or his spouse stationed abroad may be taken by the persons mentioned in KRS 382.150. The seal of such officer must be attached to all oaths required under this Section.

Section 4. Section 126.210 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voters' ballots, for all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter_____

Residence (street and number, if any)_____

County of _____

City or Town of _____

On the other side of such envelope shall be printed the following oath:

"I do hereby swear (or affirm) that I am a citizen of the United States and am now of the age of at least eighteen years or will be on the day of the election to be held on the_____day of_____, 19____, That I have been a resident of the State of Kentucky for at least one year next preceding such election, and a resident of the County of_____ for more than six months preceding such election, and a resident of_____ precinct of said county (or_____ ward of the city of _____,

County of -----) at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am affiliated with the ----- political party; that I have not voted only by absentee ballot for a period longer than four years; that in the course of my business or duties I in good faith expect to be absent from any county of residence at the time of said election for the following reasons: -----

"I understand that this affidavit is subject to grand jury investigation and that the penalty for false representation in this affidavit is one to five years in the penitentiary."

(Voter must sign here, and oath must
be administered and attested.)

"Subscribed and sworn to before me this-----day of-----,
19-----.

(Official Title)"

(2) Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

Section 5. Section 126.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Secretary of State shall cause to be prepared and printed an appropriate number of forms for application for absent voters' ballots, and of instructions for absent voters. The Secretary of State shall furnish to each county court clerk, upon application, a sufficient number of inner envelopes, application forms, and instructions.

(2) Before being distributed, all inner envelopes and application forms shall be serially numbered so as to identify the envelopes and forms and to show the number sent to each clerk. The Secretary of State shall keep a record of distribution and the clerks shall keep a record of the number received for each election. The clerk shall keep a record of his distribution of applications which shall show to whom delivered and for whose use intended. Such records shall be open to inspection at all times. All envelopes and forms not used for the election for which they were distributed shall be returned to the Secretary of State within thirty days after the election.

(3) No inner envelopes or application forms shall be printed except on order of the Secretary of State.

Section 6. Section 126.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the absent voter receives the ballot and the two envelopes, he shall go before some civil officer authorized by law to administer an oath and before him make and subscribe to the affidavit on the face of the envelope and shall, in the presence of such officer and no one else, mark the ballot so as to indicate the way he desires

to vote, but in such manner as to prevent the officer from knowing how the ballot is marked or how he has voted. He shall then, and while in the presence of the officer, fold the ballot in such way as to conceal the markings made thereon by him, and after the ballot has been so folded, he shall enclose it in the inner envelope; then seal said envelope and enclose it in the outer envelope; then seal and write his name across the face of the outer envelope, and at once mail it to the county court clerk.

(2) No officer who is a candidate shall administer the oath required for voting an absentee ballot. This prohibition shall also apply to official deputies of candidates.

Section 7. Section 126.240 of the Kentucky Revised Statutes is amended to read as follows:

Before sending an absent voter's ballot to any applicant prior to any election, the county court clerk shall provide himself with one or more legal ballot boxes, as may be required. The boxes shall be locked in the presence of the county board of election commissioners with three padlocks on each box, and the key to one lock on each box shall be delivered to each member of the county board of election commissioners. The boxes shall remain locked, and the members of the county board of election commissioners shall retain the keys in their possession, until the boxes have been delivered to the county board of election commissioners following the election and opened as provided in KRS 126.270.

Section 8. Section 126.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the county court clerk receives an **absent voter's ballot**, he shall immediately stamp on the outer envelope the day and hour he received the same. All such ballots received by him prior to the hour for closing the polls on the day of the election shall be deposited in the ballot box provided for in KRS 126.240, without opening the outer envelope. All ballots received by the clerk after the hour for closing the polls on the election day shall be kept by the clerk unopened until six months after the election, when they shall be burned by the clerk in the presence of the county judge and sheriff without being opened.

(2) In the case of ballots received prior to the time the registration copy records are delivered to the precinct officers, the county court clerk shall indicate or cause to be indicated **upon such copy** records the fact that the voter has voted as an absentee. In the case of ballots received after the registration copy records have been delivered to the precinct officers, but before the hour for closing the polls, the county clerk shall, within five days after the election, indicate or cause to be indicated upon the copy registration records the fact that the voter has voted as an absentee.

Section 9. Section 126.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) Immediately following the closing of the polls on the election day, the county court clerk shall deliver to the county board of election commissioners the ballot boxes containing the ballots of absent voters, the lists of persons to and for whom applications were issued, and the applications themselves. The board, before opening other ballot boxes, shall open the boxes containing absent voters' ballots, and remove the envelopes one at a time. As each envelope is removed, it shall be examined to ascertain whether the outer envelope is in proper form and bears the stamp of the county court clerk indicating that it was received prior to the closing of the polls. If the outer envelope is found to be satisfactory in these respects, the outer envelope shall be opened, and the inner envelope shall be examined for the purpose of ascertaining whether the name of the voter on the envelope corresponds to the name opposite the envelope number on the application list; whether the inner envelope is regular and in the form and condition required by this chapter and is properly sealed; and whether the affidavit on the face thereof is regular and in the form required by this chapter. If the inner envelope is found to be satisfactory in these respects, the clerk of the county board of election commissioners shall read aloud the name of the absent voter. If the vote of such voter is not rejected on a challenge then made as hereinafter provided, the clerk shall then open the envelope and remove the ballot therefrom without unfolding it, and in such a way as not to expose the markings thereon or how the absent voter has voted. The clerk shall write his name on the back of the ballot and then hand it to one of the members of the board of election commissioners, who shall write his name on the back of the ballot, detach the secondary stub, and then place the ballot in a regular ballot box which has been provided for the purpose.

(2) When the name of an absent voter is read aloud by the clerk, the vote of such voter may be challenged and the challenge thereto may be determined and the vote accepted or rejected by the board of election commissioners as if the voter were present and voting in person, but if the envelopes and the affidavit on the face of the inner envelope are regular, and substantially comply with the provisions of this chapter, they shall be considered as showing that the absent voter is *prima facie* entitled to vote. If the vote of an absent voter is rejected pursuant to the challenge, the inner envelope shall not be opened, and the clerk of the board of election commissioners shall write on the envelope the word "rejected." Such rejected ballots shall be handled as other rejected ballots.

(3) After the absent voters' ballots have been signed and re-deposited in a ballot box, as provided in subsection (1), the box shall be thoroughly shaken so as to redistribute the ballots in the box. The board of election commissioners shall then reopen the box and

count the ballots and tabulate them separately on sheets to be provided by the county court clerk.

(4) The representatives of interested groups allowed by law to witness the count of ballots shall be allowed to witness all procedures relative to the inspection of absent voters' envelopes and lists of applications.

(5) The two envelopes from each ballot, together with the ballots, shall then be delivered to the county court clerk who shall retain them until six months after the election, when they shall be burned by the clerk in the presence of the county judge and the sheriff. If a contest or recount proceeding is instituted during said six-month period, the ballots shall not be burned but shall be disposed of as directed by the court in which such proceeding was instituted.

Section 10. Section 126.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who, for the purpose of voting under the provisions of KRS 126.140 to 126.320, swears to or affirms an application for an absent voter's ballot, or swears to or affirms the oath on the inner envelope for an absent voter's ballot, knowing that the same contains any false statement, shall be confined in the penitentiary for not less than one nor more than five years.

(2) Any county court clerk, his deputy or employe, or election officer who willfully refuses or fails to perform any of the duties required of him by KRS 126.140 to 126.320, or who in any manner willfully violates or abuses any trust or duty imposed on him by those sections, shall be fined not less than two hundred dollars nor more than one thousand dollars.

(3) Any person who, by threat, bribery, corrupt or arbitrary measure, offer or payment of reward, or by other unlawful means, interferes with any qualified voter in the free exercise of his right to vote under the provisions of KRS 126.140 to 126.320, shall be fined not less than one hundred dollars nor more than one thousand dollars.

(4) Any person who obtains an application through the use of a fictitious name, or who, after obtaining an application for a designated voter, delivers it to another person, shall be fined not less than one hundred dollars nor more than one thousand dollars.

Section 11. Section 118.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) In the case of offices or public questions voted upon by a county or a district less than a county, the county board of election commissioners shall make out duplicate certificates of the total number of votes received by each of the candidates for such offices, and the total number of votes for and against each of such public questions. The board shall forward one of the certificates to the Secretary of State in all cases, and the other to the elected candidate, unless he has

failed to comply with KRS 123.060, 123.070 or 123.080. If the board finds that two or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.

(2) In the case of offices voted for by the state at large or by a district greater than one county, and in the case of public questions submitted to the vote of the people of the state at large or of a district greater than one county, the county board of election commissioners shall make out duplicate certificates of the total number of votes received by each of the candidates for such offices, and the total number of votes for and against each of such public questions. One of the certificates shall be kept for a record in the office of the county clerk. The board shall, not later than five days after the completion of the count of the votes, forward the other certificate by mail to the Secretary of State, who shall deliver it to the State Board of Election Commissioners.

SB 353: AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 342.095 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the injury or occupational disease causes total disability for work, the employer, during such disability, except for the first seven days thereof, shall pay the employe a weekly compensation equal to sixty-five percent of his average weekly earnings, not to exceed thirty-four dollars nor less than twelve dollars per week, such payments to be made during the period of total disability but not longer than four hundred twenty-five weeks after the date of the injury, or after the date his disability from an occupational disease began, nor in any case to exceed a maximum sum of fourteen thousand, four hundred and fifty dollars. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of four hundred twenty-five weeks during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of fourteen thousand, four hundred and fifty dollars.

(2) In case of the following injuries or disabilities from occupational disease the disability shall be considered total and permanent:

- (a) The total permanent loss of sight in both eyes.
- (b) The loss of both feet at or above the ankle.
- (c) The loss of both hands at or above the wrist.
- (d) A similar loss of one hand and one foot.
- (e) A similar loss of one hand and one eye.
- (f) A similar loss of one foot and one eye.

(g) A disability to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg.

(h) A disability to the skull resulting in incurable insanity or imbecility.

(3) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries or disability resulting from an occupational disease have resulted in permanent total disability.

Section 2. Section 342.110 of the Kentucky Revised Statutes is amended to read as follows:

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, or employee disabled by an occupational disease, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employee and age at the time of injury or at the time the disability from an occupational disease began. In no event shall compensation for an injury or disability to a member exceed the amount allowable for the loss of such member. The compensation paid therefor shall be sixty-five percent of the average weekly earnings of the employee but not less than twelve dollars nor more than twenty-nine dollars, multiplied by the percentage of disability caused by the injury or occupational disease, for such period as the board determines, not exceeding four hundred weeks nor a maximum sum of eleven thousand, six hundred dollars. Compensation payable under this section shall not be affected by the earnings of the employee after the accident, or after his disability from an occupational disease, whether they be the same, or greater, or less than prior to the accident or disability from an occupational disease. Whenever the weekly payments under this section would be less than twelve dollars per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this chapter, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section.

SB 354: AN ACT relating to the registration of voters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Except in cities of the first class, immediately following the regular election in 1959 and every four years thereafter all registrations of voters shall be invalid, for all election purposes, except special elections held before May 1 following; and no person shall be eligible to vote thereafter, except in such elections, until he

again registers in compliance with the laws governing the registration of voters.

(2) For each four-year period of registration the color of paper used for registration records shall be different from the color used during either of the two preceding four-year periods.

(3) Registration records made invalid by this section shall be removed from the files and kept separate from new registration records and shall not be used in any way or by any person in accomplishing new registrations. Such records shall be preserved by the county clerk for at least two years and afterward handled in accordance with further directions of the General Assembly.

(4) The Legislative Research Commission shall cause a study to be made regarding the proper disposition of invalid registration records concerning their possible use to the State Board of Election Commissioners and other agencies of the state government, and their research and historical value. The commission shall present its findings to the 1960 Session of the General Assembly.

Section 2. Section 117.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person authorized to register as a voter may appear at the office of the county clerk of the county of his residence or at a temporary branch registration office within the county, or at the permanent office or a branch office of the board of registration commissioners if he resides in a city of the first class, and register, transfer his registration, or change his party affiliation, at any hour of any day that such office is open for business. The county clerk of every county and the board of registration commissioners of every city of the first class shall cause all registration books or lists to be closed thirty days prior to, and five days following, any primary or general election, and ten days prior to any special election, and no voter shall be registered or be permitted to change his registration during the period that the books are closed.

(2) Upon authorization of the fiscal court, the county clerk may establish branch registration offices in public buildings and receive registrations, transfers, or change of party affiliation at such branch offices.

(3) For the purpose of registering voters in a city of the second or third class which is not the county seat, the county clerk shall maintain a branch office in the courthouse or city hall of the city and take thereto the registration books for each voting precinct in the city and keep them there during the periods the books are open.

Section 3. Section 117.630 of the Kentucky Revised Statutes is amended to read as follows:

The State Board of Election Commissioners shall cause to be prepared forms for the registration, transfer, and change of party affiliation of voters outside of cities of the first class. The costs of such reg-

istration shall be paid out of the State Treasury. Separate card or loose-leaf registration record forms for the registration of the individual voters shall be serially numbered and shall be prepared in duplicate, upon durable paper and of convenient size and shape, the original cards or forms being marked "Original," and the duplicates marked "Copy." The cards or forms shall provide for the entry thereon of the signature and affidavit of the voter and information as to the identity of the voter, his residence and party affiliation, and his voting record.

Section 4. Section 117.635 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the time of registering a voter outside of cities of the first class, the county clerk shall enter upon the original record form the name of the voter and all other information called for on the form. After the entries have been made, the voter shall write his signature upon both the original and copy record forms. If any applicant for registration states under oath that he cannot write his name, the clerk shall sign the registration record forms for such person, and such person shall sign the records by making his mark thereon and the clerk shall attest the same. The clerk, at the time of registering the voter or as soon thereafter as practicable, shall enter upon the copy record form the name of the voter together with all of the information appearing on the original record form, so that the copy form shall be an exact duplicate of the original, and shall at all times keep in a safe place in his office both the original and copy record forms, except that the copy forms shall be furnished to the election officers as provided in KRS 117.650. The original and copy record forms shall be filed in securely locked binders or card files, by precincts, in systematic order prescribed by the Secretary of State and shall constitute the precinct registers to be used as provided in KRS 117.600 to 117.895.

(2) Immediately after the closing of the registration books as provided in KRS 117.620, the county clerk shall prepare a list, in quadruplicate, of all registered voters in each precinct as shown by his registration books, and shall furnish one copy without cost, to the county board of election commissioners, retaining the other copies for the use of the election clerks as provided in KRS 117.650. The clerk shall prepare periodic lists of registered voters at such times as the board directs.

Section 5. Section 117.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any original or copy registration record form, outside of cities of the first class, is lost or destroyed, or becomes in such condition as to render it difficult or unsafe to use, the county clerk shall cause a new registration record form to be made and executed in such manner as may be necessary, consistent with the provisions of KRS 117.600 to 117.895, the costs to be paid out of the county treasury. If the reregistration of the voters of an entire precinct so becomes necessary, it shall

be held in the precinct at the next ensuing primary or general election, in the same manner as the initial registration was made under Chapter 45 of the Acts of 1936. If such reregistration is made necessary by the loss or destruction of registration records through the negligence or willful misconduct of any person, that person shall be liable to the state for the cost of the reregistration, to be recovered in a civil action in the name of the state.

Section 6. Section 117.645 of the Kentucky Revised Statutes is amended to read as follows:

(1) When a voter registered outside of cities of the first class changes his place of residence from one precinct to another in the same county, he may apply to the county clerk in person to have his registration record transferred to the proper precinct. When a change is so made, the clerk shall, under the head "remarks" or on the back of his original and copy registration record forms, write the words "removed to ----- precinct," and the date. Such transfers shall be registered only on those days when registrations are allowed under KRS 117.620 or as provided in KRS 117.855.

(2) If any area in a county containing a city of the first class shall be annexed by said city then the clerk shall transfer all registration records of persons residing in the annexed area to the city board, and said persons shall not be required to reregister.

(3). When the boundaries of any precinct are changed by law and the change places a registered voter in a new or different precinct, the county clerk shall transfer the individual registration record of the voter to the precinct registrar for the precinct in which he is placed by the change of boundary. The transfer shall be made automatically, without any application therefor by the voter. The date on which the change is made and the reason therefor shall be noted on the individual's registration record, and a notice thereof shall be mailed by the county clerk to the voter, advising him thereof and the reason therefor.

Section 7. Section 117.655 of the Kentucky Revised Statutes is amended to read as follows:

The clerk of each precinct, immediately after issuing the ballot to any voter at every primary and regular election, shall indicate in the proper place on the registration record form that such person voted at the election.

Section 8. Section 117.670 of the Kentucky Revised Statutes is amended to read as follows:

Any duty imposed on the county clerk relating to registration of voters may be performed by any deputy county clerk. The deputy clerk shall be subject to all penalties provided against the clerk under the statutes relating to registration.

Section 9. Section 117.800 of the Kentucky Revised Statutes is amended to read as follows:

For the correction of clerical errors, the board of commissioners of cities of the first class shall stay in session on primary and general election days, and is authorized to make to the election officers such certifications as may be necessary. On said days appeals may be made to the circuit judge.

Section 10. Section 117.855 of the Kentucky Revised Statutes is amended to read as follows:

All written notices affecting the registration of a voter required by KRS 117.600 to 117.895, to be sent by mail shall be sent first-class with the name and address of the sender shown on the upper lefthand corner of the envelope, with the following notation thereunder: "If undeliverable at address shown, return to sender immediately." When the mail notice has been returned, as provided herein, the city board, or whoever is requested to send out the notice, shall prepare a list of said addressees with their addresses, and submit same to the postmaster at whose office the voter has designated on his registration card as his P. O. address, and request that said list be corrected as to addresses. When said list is returned to the board, or whoever is the sender of the notice, it shall immediately get out another notice exactly like the first one and send it to the new address indicated on the corrected list returned by the postmaster, and shall enclose therein a form affidavit requesting a sworn statement as to when the addressee moved to the new address. If the affidavit is returned and shows that the addressee moved to the new address prior to the thirty day period, then the registration card shall be placed by the board in the proper precinct and the registrant shall be eligible to vote at the coming primary or general election. If the affidavit shows that the addressee moved subsequent to the qualifying period, then the registration card shall be placed in the suspended file and the registrant shall not be entitled to vote in the coming primary or general election as the case may be, but shall be eligible to vote at the next primary or general election when he satisfies all the requirements of a voter imposed by law. If the list returned by the postmaster does not show a forwarding address, or if the registrant fails to reply to the second notice or return the required affidavit, then the registrant's card shall be marked "Cancelled."

Section 11. Section 117.860 of the Kentucky Revised Statutes is amended to read as follows:

No decision of any purgation officer or board of registration commissioners of a city of the first class, affecting the right of a voter to vote in any primary, regular or special election, or removing, transferring, cancelling or suspending his registration, shall be rendered by such purgation officer or board later than twenty days before any election.

Section 12. Section 117.865 of the Kentucky Revised Statutes is amended to read as follows:

Any person whose right to vote has been denied or whose name has been stricken from the registration lists or registration books, or who is otherwise aggrieved by any act in respect to his registration, by the board of registration commissioners of a city of the first class, and any person or party executive committee that has challenged the registration of any voter and is aggrieved by any act of the board of registration commissioners of a city of the first class may appeal from said boards. The appeal shall be taken to any judge of the circuit court of the county in which the city is located. The appeal shall be taken by presenting to the judge a written statement of the act of the board complained of, and the grounds of the complaint, or the statement shall be made on printed forms furnished by the board. Before the appeal is taken, written notice shall have been given to the board complained of, stating the time and place at which and the name of the judge before whom the appeal will be presented, and the grounds therefor, so as to give the board a reasonable opportunity to be present at such time and place.

(2) The appeals provided for by this section shall be perfected not less than five days prior to any primary, regular or special election, and if not perfected within that time no circuit judge shall have jurisdiction to hear the appeal. There shall be no court costs taxed on appeals.

(3) The judge to whom the appeal is taken shall, at the time fixed in the notice of appeal or at a subsequent time fixed by him, summarily decide the question presented and endorse on the statement of complaint an order disposing of it. The action of the judge shall be final, and upon return of the statement of complaint, with the order of the judge endorsed thereon, to the office of the board of registration commissioners, the board shall correct its record in accordance with the order.

Section 13. Section 117.870 of the Kentucky Revised Statutes is amended to read as follows:

If the board of registration commissioners of any city of the first class finds that there are names of voters upon the registration lists or registration books who are properly and legally registered but who are not entitled to vote in the next primary, regular or special election, they shall not cancel the registration but shall cause the registration authorities to remove the registration cards or names of such voters from the registration lists or registration books so that the names shall not be sent to the precincts on election day for the coming election in which such voters are not qualified to participate. The registration officers shall place the registration cards in some secure place to be held and identified as suspended lists of registered voters, and the names of such voters shall not be replaced in the registration lists or

registration books until such time as they are eligible to vote. Such voters shall not be required to reregister.

Section 14. Section 117.875 of the Kentucky Revised Statutes is amended to read as follows:

The city registration board shall preserve, for not less than two years, all cancelled registration cards. They shall be preserved in a separate file, arranged in alphabetical order for the entire city, as the case may be, according to the last name of the registrant. The file shall be designated the "Cancelled Registration File." When a registration record is cancelled, the original record and the copy thereof shall be marked "Cancelled" in large letters in ink, and there shall also be noted thereon in ink the date and reason for the cancellation. The registration board for cities of the first class shall, on the first day of each week, transmit one of its copies of each registration record cancelled during the preceding week to each of the city executive committees.

Section 15. In cities of the first class, any voter who wishes to change his party affiliation and who does not wish to apply in person may apply to the board of registration commissioners by letter or by form which may be provided. The board shall then mail a notice to the address of the voter appearing on the existing registration records, stating that such application has been made and the particulars thereof, and that the change will be made unless protest is filed at the office of the board within ten days from the date of notice. If no protest is filed within the ten-day period, the board shall change the party affiliation of the voter as requested. If a protest is filed, the change shall not be made until the board has investigated the matter and given the protesting voter an opportunity to be heard. The date on which the change is made shall be noted on the voter's registration record. No change of party affiliation shall be made except on those days when registrations are allowed.

Section 16. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) The fact that a person is registered constitutes only prima facie evidence of his right to vote and does not prevent the officers of any primary, special or regular election from refusing to issue him a ballot for causes and in the manner provided by the general election laws of the state.

(2) In each case of successful challenge the election clerk shall write beside the appropriate name on the list of registered voters which is to be dropped in the ballot box at the close of the polls the words, "not permitted to vote." The county clerk shall transfer such notation to the proper registration card and subsequently to each new list of registered voters unless the person denied the right to vote applies to the county board of election commissioners to have his qualifications

examined. If the board finds the applicant qualified and entitled to be registered, it shall order the county clerk to strike the notation beside the name of such voter and to indicate its finding on his registration card and on all subsequent lists of registered voters.

Section 17. KRS 117.745 shall apply to all counties as well as to cities of the first class. For county purposes, "board of registration commissioners" means board of election commissioners.

Section 18. Section 117.880 of the Kentucky Revised Statutes is amended to read as follows:

It shall be the duty of the first grand jury which convenes in each calendar year to make an investigation of the registration records of each county and seek to determine whether or not the board of election commissioners, the county clerk and the employes of the board have carried out the provisions of KRS 117.600 to 117.895, and make a report thereon.

Section 19. Section 117.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who willfully fails to perform any of his duties as set forth in subsection (2) of Section 1 of this Act, KRS 117.620, subsection (2) of 117.635, subsection (2) of 117.725, 117.820, subsection (1) of 117.830, 117.860 or 117.870, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

(2) Any registrar, deputy registrar, inspector of registration, or other state, county or city officer or employe who willfully fails to perform his duties as set forth in KRS 117.675 to 117.750, 117.815, 117.825, subsection (2) of 117.830, 117.865 or 117.875, shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

Section 20. Sections 117.755, 117.760, 117.761, 117.765, 117.770, 117.775, 117.780, 117.785, 117.790, 117.795, 117.805, 117.810, 117.835, 117.840, 117.845, 117.850, 117.885, 117.890 and 17.895 of the Kentucky Revised Statutes are repealed.

Introductions

Senator Howell moved to suspend the Rules for the purpose of introducing a bill. Agreed.

' **SB 355**, by Senator Howell: AN ACT relating to correction and revision to the Kentucky Revised Statutes (Reviser's Bill).

The President, Lieutenant Governor Harry Lee Waterfield, assumed the Chair.

Calendar

SB 284, SB 295, HB 326, HB 475, SB 151, SB 348, SB 337, SB 74, SB 345, SB 347, SB 6, SB 3, HB 139, SB 349 were taken from the Calendar and ordered read at length for the second time. Senator Bassett

moved that they be read by title only. Agreed by a majority of the members elected. Ordered placed in the Orders of the Day.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 470**, **HB 133** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original enrolled copies be delivered to the House.

Orders of the Day

SB 33 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Jackson moved that **HB 129** be substituted in lieu of **SB 33** and placed on passage. Agreed by voice vote.

Senator Jackson moved the Previous Question on **HB 129**. Agreed by voice vote.

On roll call, the vote was: Yeas, 33—Angelis, Bassett, Blake, Blue, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Ware, Warinner, Willis; Nays, 4—Bonn, Clay, Van Hoose, Young.

HB129 was passed and the title agreed to.

Senator Jackson moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

House Message

Announcing passage of **SB 9**, **HB 319**, **HB 476**, **HB 510**, **HB 550**, **HB 567**, **HB 601**, **HR 18**. Ordered that said bills and resolutions be referred.

Orders of the Day

SB 343 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved the Previous Question on **SB 343**. Agreed by voice vote.

On roll call, the vote was: Yeas, 20—Bassett, Blake, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Fields, Greene, Hamilton, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, Overbey, Richmond, Robinson, Warinner; Nays, 14—Blue, Bonn, Clay, Duffy, Francis, Free-

man, Hickerson, Kidwell, McCann, Melton, Reuscher, Ware, Willis, Young.

SB 343 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Motions

Senator Hamilton moved to suspend the Rules for the purpose of appointing Honorary Pages in the Senate. Agreed.

Senator Hamilton moved that Catherine Ellen Fitch, Steve Black, and Susan Porter be made Honorary Pages of the Senate. Agreed.

Senator Fields moved that Debbie K. Buffin, Diana Lynn Gross, Ronald Leon Hall, Donna G. Hall be made Honorary Pages of the Senate. Agreed.

Senator Bassett moved adjournment until 4:00 p.m., Monday, March 17, 1958. Agreed.

MONDAY, MARCH 17, 1958

FIFTY-SIXTH LEGISLATIVE DAY

The Senate was called to order by the President, Lieutenant Governor Harry Lee Waterfield.

Prayer by the Reverend Carter Roberts, of the Church of the Nazarene, Frankfort, Kentucky.

The roll was called. All members present except Senators Byers and Van Hoose, who were granted leave of absence on motion of Senator McCann.

The reading of the Journal for Friday, March 14, 1958, dispensed with and the same approved on motion of Senator McCann.

Motions

Senator Freeman moved that **SB 34** be taken from the Rules Committee and given a first reading. Senators Freeman and McCann requesting a roll call, it was so ordered.

On roll call, the vote was: Yeas, 11—Blue, Bonn, Duffy, Freeman, Hickerson, McCann, Melton, Reuscher, Ware, Willis, Young; Nays, 17—Anggelis, Bassett, Blake, Cornett, C. H. Davis, Fields, Greene, Hamilton, Howard, Howell, Jackson, Kelly, Lucas, Miller, Richmond, Robinson, Warinner.

The motion was lost.

Senator Bassett moved that the vote by which said motion failed to pass be reconsidered and said motion be laid on the table. Agreed by voice vote.

Senator Clay moved that William March Alverson, Mary Louise Alverson, Elizabeth Wilson Alverson and Billy Childers be made Honorary Pages of the Senate. Agreed.

Senator Francis moved that Edith Ann Grimes be made an Honorary Page of the Senate. Agreed.

Senator C. H. Davis moved that Robert Miller Bays be made an Honorary Page of the Senate. Agreed.

Senator McCann moved that Barbara Jolly be made an Honorary Page of the Senate. Agreed.

Senator Robinson moved that Ray Simmons, Laura Cherry, Mary Jo Cowles and Charles Poteett be made Honorary Pages of the Senate. Agreed.

Lieutenant Governor Harry Lee Waterfield moved that Laune Louis Schu and James Richard Ginn be made Honorary Pages of the Senate. Agreed.

House Message

Announcing passage of **HB 236, HB 320, HB 371, HB 412, HB 461, HB 522, HB 546**. Ordered that said bills be referred.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 9** had been examined and found correctly enrolled. Said bill read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

SB 9 delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

Introductions

SR 91, by Senator McCann: A RESOLUTION deploring the wearing of sack or chemise apparel by the fair sex.

WHEREAS, it has become shockingly apparent that the ladies of our fair land have succumbed to sinister notions and ideas regarding proper attire;

WHEREAS, this so-called “sack” or “chemise” form of dress is not native to our shores or the land of Erin, but is inspired by evil thought from abroad that seeks to cover the fair forms of the divine femininity of our land with crude and gruesome articles of so-called clothing;

WHEREAS, such sacks, bags, chemises or other presently used items which cover the female form are a reversion to primitive dress used, if at all, prior to the stone age, destroying all personality and charm so highly desired and admired by all men;

WHEREAS, it is an historical fact that neither Venus De Milo, Cleopatra, nor other women admired for generations because they were women who wished all to know that they were women, ever desecrated the human form by hiding in masses of sacks, burlaps, bags or chemises;

WHEREAS, it is embarrassing for any well-dressed man to be required to attend social functions, parties, etc. with women in such attire; and

WHEREAS, the women of our land are the most beautiful on earth, and deserve to have their pulchritude and divine good looks emphasized, rather than destroyed or hidden by monstrous and hideous creations called “sacks” now being shown in some parts of the country,

NOW, THEREFORE,

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

That the Senate go on record as deploring the wearing of sacks and similar body coverings by the fair sex, and that we beg, beseech, urge, plead, and implore of them to turn from this false god of Sputnik and Baal and clothe themselves rather in habiliments of femininity and allurement.

Senator McCann moved the adoption of said resolution, and Senators McCann and Lucas requesting a roll call, it was so ordered.

On roll call, the vote was: Yeas, 22—Bassett, Bonn, Duffy, Duncan, Fields, Francis, Freeman, Hamilton, Howard, Kelly, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Ware, Warinner, Young; Nays, 2—Clay, Willis.

SR 91 was adopted.

Senator Fields moved that the vote by which said resolution was passed be reconsidered and said motion be laid on the table. Agreed.

SR 92, by Senator McCann: A RESOLUTION honoring the memory of Saint Andrew.

WHEREAS, Saint Andrew was accorded the distinction of being designated Patron Saint of Scotland;

NOW, THEREFORE,

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

That when the Senate does adjourn on Monday, March 17, 1958, it do so in honor and memory of Saint Andrew.

Senator McCann moved the adoption of said resolution. Adopted by voice vote.

SR 93, by Senator Bassett: A RESOLUTION authorizing and directing the Legislative Research Commission to make a study of laws relating to alcoholic beverages and the administration of those laws by the Department of Alcoholic Beverage Control and the Department of Finance.

WHEREAS, existing laws relating to alcoholic beverages were enacted at various sessions of the General Assembly, with no opportunity to devise a comprehensive and uniform system; and

WHEREAS, it appears that the laws are administered with varying effectiveness in the counties of the Commonwealth of Kentucky; and

WHEREAS, numerous measures on this subject, with wide variation in application and effect have been introduced in the House of Representatives and the Senate during this and past sessions.

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is authorized and directed to make a study of the existing laws relating to alcoholic beverages, their adequacy and the effectiveness of their administration.

Section 2. That the Department of Alcoholic Beverage Control and the Department of Finance are directed to extend to the Legislative Research Commission full cooperation and make available all pertinent files, records and information.

Section 3. That the results of the study, including findings and recommendations, be made the subject of a report to be submitted to the 1960 Regular Session of the General Assembly.

Senator Bassett moved the adoption of said resolution. Adopted by voice vote.

SB 356, by Senator C. H. Davis: AN ACT relating to workmen's compensation.

SB 357, by Senator C. H. Davis: AN ACT relating to establishment of Breathitt County State Park.

SB 358, by Senators Bassett, Anggelis, Blake, Cornett, C. H. Davis, Duncan, Fields, Greene, Hamilton, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, Overbey, Richmond, Robinson, Warinner: AN ACT proposing an amendment to the Constitution of Kentucky relating to county government.

SR 94, by Senator McCann: A RESOLUTION authorizing and directing the Department of Motor Transportation to make a study of the desirability and feasibility of adopting uniform motor vehicle laws relating to registration fees, weight taxes, fuel taxes, operating rights and the creation of a single Department of State Government to administer same.

WHEREAS, approximately twenty percent (20%) of all gainfully employed persons in the State are engaged in some phase of the motor vehicle industry; and

WHEREAS, approximately one-half (1/2) of all the taxes collected from all sources in Kentucky are paid by the motor vehicle industry and users of its products; and

WHEREAS, the administration of motor vehicle affairs has become so voluminous and complicated as to require the entire time and consideration of a single Department of State Government; and

WHEREAS, the mammoth road building program being undertaken will increase and magnify the problems of motor vehicle administration in the State.

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky:

Section 1. That the Department of Motor Transportation is authorized and directed to conduct a comprehensive study to determine

the desirability and feasibility of adopting uniform motor vehicle laws relating to licensing, registration fees, weight taxes, fuel taxes and operating rights, and the creation of a single Department of State Government to administer same.

Section 2. That the Department of Motor Transportation in conducting said study is authorized to study the reports and recommendations of the American Association of Motor Vehicle Administrators and the National Association of Railroad and Utilities Commissioners.

Section 3. That the result of the study, including findings and recommendations, be made the subject of a report to the 1960 Regular Session of the General Assembly and that proposed legislation be submitted pursuant to such findings and recommendations.

Senator McCann moved the adoption of said resolution. Adopted by voice vote.

Recess

Senator Bassett moved that the Senate recess for ten minutes. Agreed. At the appointed hour, the President of the Senate called the Senate to order.

Report of Committees

The Rules Committee reported **SB 250, SB 328, SB 342, SB 344, SB 350, SB 355, SB 340, SB 135, HB 550, HB 476, HB 319, HB 510, HB 567, HB 601** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 250: AN ACT relating to compensation of local officers and employees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.620 of the Kentucky Revised Statutes is amended to read as follows:

With the exception of the office of mayor of any city of the first class, the compensation of any officer or employe of a county, city, political subdivision, local governmental unit or district, or of any city or county board or commission, or combined city-county board or commission, for services rendered in one or more offices or positions of employment, shall not exceed the constitutional limit for officers, which is \$7,200 per annum, provided, however, that nothing herein contained shall apply to any officer or employe exclusively engaged in performance of a proprietary function for any of such governmental units.

SB 328: AN ACT relating to compensation of sheriffs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any money due an outgoing sheriff, other than compensation for the collection of taxes, remaining unpaid because of pending litigation shall be paid to the outgoing sheriff at the conclusion of the litigation.

SB 342: AN ACT relating to fiscal management assistance by the State Government to cities of the fourth, fifth and sixth classes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

At the request of the governing body of any city of the fourth, fifth or sixth class, the State Local Finance Officer shall render assistance to such city in the establishment of adequate accounting systems, preparation of budgets and debt control, within the limits of facilities available for this purpose. Any services now rendered by the State Local Finance Officer to counties in establishing and maintaining an efficient and economical control of fiscal affairs may be made available to any such city upon request.

SB 344: AN ACT relating to planning and zoning.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 147.130 of the Kentucky Revised Statutes is amended to read as follows:

(1) The planning commissions of any two or more cities, counties, or city-county areas, the fiscal court of any two or more counties or any one hundred citizens, by signed petition, may apply to the Governor for the establishment of a region for planning purposes and the appointment of a regional planning commission for that region. The Governor shall hold at least one public hearing upon the application, and shall officially proclaim the time and place of the hearing. If the Governor finds that, by reason of urban development not corresponding to existing municipal boundary lines or by reason of other trends in the growth and distribution of population, commerce and industry, or by reason of topographic or other conditions, the region represented by the petitioning body has problems of such nature as to be incapable of intelligent, economical and adequate solution by means of the separate planning of each separate political unit, and requires, for solution, a general plan of the physical development of the entire area of cities or territories as a whole, he shall grant the application, define the boundaries of the region and appoint a regional planning commission.

(2) The commission shall consist of nine persons who shall be residents of the region. Of the nine first appointed, one shall serve for one year, two for two years, one for three years, two for four years, and one for five years. The other two and all subsequent appointees shall serve for terms of six years. If at the time of his appointment an appointee is a public officer or in the public service of the state or any

of its political subdivisions, and his incumbency as such expires previous to the term for which he is appointed on the regional planning commission, his term on the commission shall terminate with the expiration of his incumbency as such public officer or servant unless it is extended by the Governor, in which case the extension shall be for the remainder of the term for which he was originally appointed. The members shall serve without compensation but shall be paid necessary expenses incurred in the performance of their duties. They may, after a public hearing, be removed by the Governor for inefficiency, or malfeasance in office, and he shall file a written statement of his reasons for the removal. A member may also be removed by the Governor upon the petition of the Commission under provisions of Section 8 of this Act.

Section 2. Section 147.140 of the Kentucky Revised Statutes is amended to read as follows:

Except as otherwise provided in KRS 147.130 to 147.180, the provisions of Chapter 100 relative to organization, rules, staff, finances, procedure and powers and duties of planning commissions of cities of the third, fourth, fifth or sixth class shall apply to regional planning commissions. The amount that a regional planning commission may expend in any year shall be determined by the regional planning commission, subject to approval by the Governor, who may, upon recommendation of the Commission of the appropriateness and necessity thereof, fix the proportion of expenditures to be borne by the respective cities, counties and other taxing districts and political subdivisions within the region. The council of each city, the fiscal court of each county and the appropriating body of each taxing district or political subdivision within the region may appropriate their respective shares of the expenditures. The sums so appropriated shall be paid into the State Treasury and shall be paid out on certificate of the regional planning commission.

Section 3. Section 147.150 of the Kentucky Revised Statutes is amended to read as follows:

Any regional planning commission may make, adopt, amend and extend a master regional plan for the physical development of its region. The plan shall be based on comprehensive studies of the present and future development of the region, with due regard to its relation to neighboring regions and the state as a whole, and to neighboring states. The plan, including maps, charts, diagrams, and descriptive matter, shall show the commission's recommendations for the physical development of the region by showing general land use areas to include among other things the general location, extent and character of streets, avenues, boulevards, roads, lanes, alleys, viaducts, parks and public ways, grounds and open spaces, public properties and public utilities that affect the development of the region as a whole or more than one political subdivision of the state within the region. It may

also include the general location of forests, agricultural and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of future urban development; and a zoning plan for the control of the height and area, or bulk, location and use of buildings and premises, and of the density of population. The master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the region and of public improvements and utilities that do not begin and terminate within the boundaries, or do not relate exclusively to the development of any single city, and which will, in accordance with the present and future needs of the region and the state, best promote the general welfare and be most efficient and economical.

Section 4. Section 147.160 of the Kentucky Revised Statutes is amended to read as follows:

The regional planning commission, after adopting the regional plan, shall certify copies to the Governor, to the planning commission of each city, county or joint city-county area in the region, and to the legislative body of each city and the fiscal court of each county which do not have planning commissions and which are wholly or partly included in the region, and to other organized taxing districts or political subdivisions wholly or partly included in the region.

Section 5. Section 147.170 of the Kentucky Revised Statutes is amended to read as follows:

The regional plan may be adopted by the planning commission of any city, county or city-county area within the region to which it is certified by the regional planning commission. Adoption shall be in accordance with the procedure specified in Chapter 100 for the adoption of plans by local planning commissions of such areas. When adopted, it shall have the force and effect within the city as is provided by Chapter 100 for plans made and adopted by local planning commissions and shall be deemed an original local plan or an amendment of the local plan. Before adopting any amendment of the local plan that would constitute a departure from the regional plan certified to the local planning commission by the regional planning commission, the local planning commission shall submit the proposed amendment to the regional planning commission, which shall certify to the local commission its approval, disapproval or other opinion concerning the proposed amendment.

Section 6. Section 147.180 of the Kentucky Revised Statutes is amended to read as follows:

After the adoption of the regional plan by the regional planning commission, no street, avenue, boulevard, road, lane, alley, viaduct or other way, park, public structure or public utility shall be constructed or authorized in nonmunicipal territory within the region until the

location, character and extent thereof have been submitted to and approved by the regional planning commission. This prohibition shall not require the approval of the regional planning commission of any subdivision falling within the subdivision jurisdiction of a local planning commission as provided in KRS 100.720, 100.730 and 100.750. In case of disapproval by the regional planning commission, the disapproval may be overruled by the board, commission, body or officer in which or in whom the power to finally determine the location, character and extent is reposed by law. If a board, commission or body has the power, a two-thirds vote of its membership is necessary to overrule disapproval by the regional commission. A statement of the reasons for any overruling shall be spread upon the minutes or records of the board, commission, body or officer.

Section 7. A new section of the Kentucky Revised Statutes is created to read as follows:

As used in KRS 147.130 to 147.180 unless the context requires otherwise:

(1) "Region" means a contiguous area made up of two or more counties or parts of two or more counties.

(2) "Local planning commission" means a city, county or city-county planning commission.

Section 8. A new section of the Kentucky Revised Statutes is created to read as follows:

The Commission shall elect a chairman and create and fill such other offices as it may determine. The term of chairman shall be for one year, with eligibility for re-election. The Commission may regulate the time, place and number of its meetings, but must have at least one regular meeting within each quarter of the calendar year. A member who misses three consecutive quarterly meetings shall be informed in writing of his deficiency. If the deficient member is not present at the following regular meeting, replacement proceedings may be instituted by the Commission which may petition the Governor, by 2/3 vote, for removal of a delinquent member and appointment of a new member to serve for the remainder of the unexpired term. Replacement shall be made in the same manner as an appointment.

SB 350: AN ACT relating to civil actions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 413.270 of the Kentucky Revised Statutes is amended to read as follows:

(1) If an action is commenced in due time and in good faith in any court of this state and the defendants or any of them make defense, and it is adjudged that the court has no jurisdiction of the action, the plaintiff or his representative may, within ninety days from

the time of that judgment, commence a new action in the proper court. The time between the commencement of the first and last action shall not be counted in applying any statute of limitation.

(2) As used in this section, "court" means all courts, commissions, and boards which are judicial or quasi-judicial tribunals authorized by the Constitution or statutes of the Commonwealth of Kentucky or of the United States of America.

Section 2. Whereas, the claims of many of the Commonwealth's citizens are being daily litigated in various statutory tribunals of the Commonwealth, and the merits thereon are in many instances not considered because of the technical provisions of the various jurisdictional statutes which prevent adjudication of claims upon their merits, it is deemed desirable and necessary to immediately broaden the existing grace period provisions for filing petitions or claims in the proper tribunals.

Now, Therefore, an emergency is declared to exist and this Act shall become effective immediately upon its passage by the General Assembly and approval by the Governor.

SB 355: AN ACT relating to correction and revision to the Kentucky Revised Statutes (Reviser's Bill).

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 62.155 of the Kentucky Revised Statutes is amended to read as follows:

With the exception of the sheriff's county levy bond, and with the exception of those bonds upon which the premium is now paid by the state or county, each sheriff shall have a valid claim against the state for the amounts paid by him for premiums on the bonds required of him by law, when the bonds have been executed by an incorporated surety company authorized to do a surety business in Kentucky, and when the claims are verified by the sheriff's affidavit. This Section is intended to supersede subsection (2) of KRS 62.140 with respect to sheriffs whose fees are paid into the State Treasury.

Section 2. Subsection (3) of Section 64.530 of the Kentucky Revised Statutes is amended to read as follows:

(3) Justices of the peace serving on a fiscal court in any county, and county commissioners serving on a fiscal court in any county other than one containing a city of the first, second, third or fourth class, shall be paid for their services, out of the county treasury, not to exceed fifteen dollars per day for each day of actual attendance of the meetings of the fiscal court. The fiscal court shall fix the amount to be received within the above limit, but with the exception of the terms that are being served on June 30, 1950, no change of compensation shall be effective as to any member of a fiscal court during his term

of office. The compensation of county commissioners serving on fiscal courts in counties containing a city of the first, second, third or fourth class shall continue to be limited as provided in subsections (1), (2), (3) and (4) of KRS 67.110, and nothing in KRS 64.480 to 64.760 is intended to authorize any change in such compensation during the term of any member. County commissioners or justices of the peace shall not receive any compensation for their services on the fiscal court, other than as provided in this section or subsections (1), (2), (3) and (4) of KRS 67.110, nor shall they receive any compensation for serving on committees of the fiscal court.

Section 3. Section 66.290 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Revenue, with the advice of the State Local Finance Officer if one is appointed, may, within the limits prescribed by KRS Chapter 18, employ, discharge, fix the compensation of and authorize the payment of all necessary expenses of such office and field staff as he deems necessary to administer the provisions of KRS 66.280 to 66.390. The State Local Finance Officer may delegate the duties and powers imposed on him by KRS 66.280 to 66.390.

Section 4. Subsection (4) of Section 86.090 of the Kentucky Revised Statutes is amended to read as follows:

(4) Immediately after the adjournment of each meeting of the council, the clerk of the council shall have every ordinance passed at the meeting, except ordinances enacted under KRS 80.280, published at least once in some newspaper published in the city, or by handbills. The publication directed by this subsection shall be made before the ordinance is enforced. The clerk shall preserve a copy of each published ordinance.

Section 5. Section 89.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates subsection (4) of KRS 89.460 shall be fined not more than two hundred dollars.

Section 6. Subsection (2) of Section 91.080 of the Kentucky Revised Statutes is amended to read as follows:

(2) The comptroller and inspector shall inspect the management, efficiency, operating methods, accounts and accounting methods and results of operations of all departments, divisions, boards, commissions and institutions of the city, and shall report to the mayor and board of aldermen his findings and recommendations. The reports so made shall be published. The comptroller and inspector shall inspect each department of the city at such times as he elects, but not less frequently than once in each fiscal year. He shall recommend rules and regulations in relation to all accounts, settlements and reports connected with the fiscal affairs of the city. He shall report to the director of finance and the mayor any liability that is incurred or

expenditure made from city funds without authority of law or any appropriation that is overdrawn. He shall see that the accounts of the city are kept in a systematic and orderly manner, and perform any other duties prescribed by law.

Section 7. Section 91.090 of the Kentucky Revised Statutes is amended to read as follows:

There is created in each city of the first class the office of accountant. The comptroller and inspector shall appoint an accountant, who shall act under the supervision and control of the comptroller and inspector. The accountant shall audit all salary and expense payrolls and sign all checks on the city treasury which shall be countersigned by the director of finance, and discharge such other duties as are required of him by the comptroller and inspector. In the absence or disability of the accountant, the comptroller, and inspector shall designate some suitable person performing duties under the comptroller and inspector to act in place of the accountant. The accountant shall give bond, to be approved by the mayor and board of aldermen. His salary shall be fixed by ordinance.

Section 8. Subsection (4) of Section 91.140 of the Kentucky Revised Statutes is amended to read as follows:

(4) Such employees of the sinking fund as may be designated by the board of commissioners thereof, shall have the same powers as peace officers, co-extensive with the county in which said city is located, in the enforcement of all ordinances passed pursuant to KRS 92.281, 91.200 to 91.270 inclusive, 137.410, 186.270, 281.815, or any other ordinance of a city of the first class, which levies a license tax and which is collected or paid to said sinking fund.

Section 9. Subsection (2) of Section 92.170 of the Kentucky Revised Statutes is amended to read as follows:

(2) In all cases in which the city council requires the clerk to perform the duties of collector it may provide by ordinance that all local taxes due or to become due for improvement of streets shall be payable to the clerk at his office, instead of at the office of the city treasurer. In that case the clerk shall keep in his office, in a book provided for that purpose, a record of all assessments of such local taxes thereafter assessed, showing the name and portion that all local taxes due or to become due of the street in which the improvement is made, the character of the improvement and the names of the persons against whose property the assessments are made. If the assessments have already been made, the book or books showing such record shall be delivered to the clerk. When any improvement tax is paid to the clerk, he shall make proper entry thereof in the record book provided for in this subsection, and the lien for the tax shall then stand released. The clerk shall carefully keep a separate account of the funds arising from assessments for each particular improvement, and

each of the funds shall, upon the order of the city council, be turned over to the city treasurer, who shall also keep a separate account of the funds, and thereafter the funds shall be applied as provided by KRS 94.390 and 94.400. In all such cases the clerk shall have the same power as the city treasurer to coerce payment.

Section 10. Subsection (5) of Section 134.990 of the Kentucky Revised Statutes is amended to read as follows:

(5) Any outgoing sheriff who fails for ten days to comply with the provisions of KRS 134.215 shall be fined not less than fifty dollars nor more than five hundred dollars, and be liable on his bond for any default.

Section 11. Subsection (1) of Section 136.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) All associations of underwriters authorized under KRS 304.315 to 304.319, and their representatives, shall make the same reports as are required of foreign stock insurance companies and their representatives transacting the same or similar kinds of insurance business in this state, and shall pay the same taxes as are required to be paid by such companies.

Section 12. Subsection (10) of Section 136.990 of the Kentucky Revised Statutes is repealed.

Section 13. Section 138.500 of the Kentucky Revised Statutes is amended to read as follows:

No suit shall be maintained in any court on any ground to restrain or delay the collection of the tax imposed by KRS 138.020, 138.140, 138.220, 138.460 or 138.565. The aggrieved taxpayer shall pay the tax under protest as and when due, and may at any time within two years from the date of such payment sue the state through the Department of Finance, in an action in any state or Federal court having jurisdiction, for recovery of the tax so paid with interest thereon from the date of payment. If it is finally determined that the tax or any part thereof was wrongfully collected, for any reason, the Department of Finance shall issue its warrant on the State Treasurer for the amount of tax adjudged to have been wrongfully collected, together with interest thereon. The State Treasurer shall pay the same at once in preference to other warrants or claims against the state. Such refunds of taxes paid under KRS 138.020 or 138.140 shall be paid out of the General Fund, and such refunds of taxes paid under KRS 138.220, 138.460, or 138.565 shall be paid out of the Road Fund. Separate suits need not be filed for each separate payment made, but recovery may be had in one suit for all sums paid that are not barred by the limitation of two years imposed by this section.

Section 14. Section 138.720 of the Kentucky Revised Statutes is amended to read as follows:

It is unlawful for any person to:

- (1) Fail to pay the tax imposed by KRS 138.655 to 138.725;
- (2) Fail, neglect, or refuse to file any return required under KRS 138.655 to 138.725 in the manner or within the time required;
- (3) Make any false statement or conceal any material fact in any record, return, or affidavit provided for under KRS 138.655 to 138.725;
- (4) Conduct any activities requiring a license under the provisions of KRS 138.655 to 138.725 without such license or after such license has been surrendered, canceled, or revoked;
- (5) Assign or attempt to assign a license issued under KRS 138.655 to 138.725;
- (6) Violate any other provisions of KRS 138.655 to 138.725.

Section 15. Subsection (3) of Section 138.990 of the Kentucky Revised Statutes is repealed.

Section 16. Section 159.180 of the Kentucky Revised Statutes is amended to read as follows:

Every parent, guardian or custodian of a child residing in any school district in this state is legally responsible for any violation of KRS 159.010 to 159.170 by the child. Before any proceedings are instituted against the parent, guardian or custodian for violation of KRS 159.010 to 159.170, a written notice of the violation shall be served on the person by the attendance officer, and one day shall be given for the termination of the violation. After such notice, if the violation is continued or if the provisions of KRS 159.010 to 159.170 are again violated during the school term by the child, no further notice shall be necessary and the parent or guardian shall be punishable as provided in KRS 159.990. A notice by registered mail or by personal service by the attendance officer shall be a legal notice.

Section 17. Sections 160.042 and 160.043 of the Kentucky Revised Statutes are repealed and re-enacted to read as follows:

(1) Upon a merger under the provisions of KRS 160.040 and 160.041 of an independent school district in a city of the first class with a county school district in counties containing a city of the first class, the members of the county board of education of the merged county school district, shall be elected from the county school district at large.

(2) Each member of the respective boards of education at the time of the merger of the districts, may continue to hold office until the expiration of his or her term of office, but any vacancy occurring among such members for any reason shall not be filled.

Section 18. Section 160.380 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in KRS 160.430, all appointments, promotions and transfers of principals, supervisors, teachers and other public

school employes shall be made only upon the recommendation of the superintendent of schools, subject to the approval of the board. If the board of education cannot agree with the superintendent as to any legally qualified person recommended by the superintendent, the board of education may appeal to the State Board of Education to review the case and the decision of the State Board of Education shall be final. All employes of the board shall have such qualifications as are prescribed by law and by the regulations of the State Board of Education and of the employing board. Supervisors, principals, teachers and other employes may be appointed by the board of education for any school year at any time after April 1 next preceding the beginning of the school year.

Section 19. The preamble in Section 160.631 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 160.630 and 160.632, unless the context otherwise requires:

Section 20. Section 186.181 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Public Safety shall, upon receipt of a report from the Department of Revenue of a cancelled motor vehicle registration plate, cause all members of the State Police and such peace officers as he may deem necessary, to be notified of the cancellation. It shall be the duty of all members of the State Police and of all peace officers to seize any registration plate bearing a cancelled number and to report such seizure to the Department of Revenue.

Section 21. Subsection (2) of Section 186.990 is repealed.

Section 22. Subsection (8) of Section 189.010 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(8) "State Police" includes any agency for the enforcement of the highway laws established pursuant to law.

Section 23. Subsection (1) of Section 189.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department, in respect to state and Federal highways, and county courts, or the judges thereof, in respect to county highways, may prescribe, by notice as provided in subsection (2), load and speed limits lower than the limits prescribed in KRS 189.221 and subsection (3) of KRS 189.390, respectively, whenever in its judgment any highway may, by reason of its design, deterioration, rain or other natural causes, be damaged or destroyed by motor trucks or semitrailer trucks, if their gross weight or speed exceeds certain limits. The department or county courts, or the judges thereof, may, by like notice, regulate or prohibit the operation of motor trucks or semitrailer trucks on state highways or county roads for limited periods or specified days, or

parts of days, if their load and speed exceed those limits, whenever, in its or their judgment, such regulations or prohibition is necessary, by reason of traffic density or intensive use by the traveling public, to provide for the public safety and convenience on the highway.

Section 24. The Reviser of Statutes is directed to change every reference to "state patrol" or "State Highway Patrol" in KRS Chapter 189 to read "state police"; and to change every reference to "Department of State Police" in the same chapter to read "Department of Public Safety".

Section 25. Section 196.160 of the Kentucky Revised Statutes is amended to read as follows:

The commissioner shall appoint a superintendent, a receiver and other necessary employes for each of the state penal and correctional institutions, and for the state institution for the feeble-minded, and shall fix their compensation, which may include maintenance, in accordance with the provisions of KRS 64.640.

Section 26. Subsection (1) of Section 197.110 of the Kentucky Revised Statutes is amended to read as follows:

The department shall make such rules and regulations as it deems necessary and proper in relation to:

- (1) The classification of prisoners;

Section 27. Subsection (3) of Section 212.120 of the Kentucky Revised Statutes is amended to read as follows:

(3) In determining the allotments referred to in subsection (2) of this section, the State Board of Health shall endeavor to provide for a distribution of the funds in a manner that is reasonably calculated to equalize, so far as practicable, local health services to the people of all counties served by county and district health departments. The State Board of Health may take into consideration variations existing between counties and districts by reasons of difference in population, resources, industrialization, tax assessments and tax rates, and other local factors and conditions; the legislative intent being hereby declared to be that counties shall provide, from local sources of revenue that are available or that may be made available to them, financial support of county and district health departments to the extent of their representative abilities.

Section 28. Subsection (4) of Section 217.990 of the Kentucky Revised Statutes is repealed.

Section 29. Subsection (2) of Section 218.250 of the Kentucky Revised Statutes is amended to read as follows:

(2) In event a conviction is had under subsection (1) of this section in a county, quarterly, justice's or police court, such court shall have the same authority to postpone the entering of judgment and the sentencing of the defendant, and to place the defendant on probation,

as the circuit courts have under the provisions of KRS 439.260, and all of the provisions of KRS 439.260 to 439.300 shall apply, and the probation officers shall perform the same functions with respect to probations made under this section as they do in the case of probations made by the circuit court.

Section 30. Subsection (2) (a) of Section 228.010 of the Kentucky Revised Statutes is amended to read as follows:

(2) As used in this chapter, unless the context otherwise requires:

(a) "Assistant" includes persons authorized to act as such by the Director of the Division of Insurance;

Section 31. Subsection (8) of Section 246.220 of the Kentucky Revised Statutes is amended to read as follows:

(8) No person shall in any way impersonate, hinder or obstruct the department or its inspectors in the performance of their official duties under KRS 248.280 to 248.440 or 261.220.

Section 32. Subsection (4) of Section 247.130 of the Kentucky Revised Statutes is amended to read as follows:

(4) A manager and any persons employed under this section shall not be subject to the provisions of KRS Chapter 18.

Section 33. Subsection (1) of Section 258.165 of the Kentucky Revised Statutes is amended to read as follows:

Any person who keeps or operates a kennel may, in lieu of the license for each dog required by KRS 258.135, apply to the dog warden for a kennel license entitling him to keep or operate a kennel. Such application shall be accompanied by a license fee of ten dollars for each license to keep ten dogs or less and fifteen dollars for each license to keep more than ten dogs. Such license fees shall be collected, paid to the department, and credited to the Livestock Fund in the same manner as the regular dog license fees.

Section 34. Subsection (3) of Section 258.990 of the Kentucky Revised Statutes is amended to read as follows:

(3) Any person violating or failing or refusing to comply with KRS 258.095 to 258.365 and subsections (3) and (4) of this section shall, upon conviction, be fined not less than five dollars and not more than one hundred dollars or be imprisoned for not less than five nor more than sixty days or both so fined and imprisoned.

Section 35. Section 286.030 of the Kentucky Revised Statutes is amended to read as follows:

The Chairman of the Public Service Commission shall be ex officio Commissioner of Business Regulation and as such shall be head of the department.

Section 36. Section 286.010, 286.020, 286.070 of the Kentucky Revised Statutes are hereby repealed.

Section 37. Subsection (1) of Section 289.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) The director of banking shall appoint the Federal Savings and Loan Insurance Corporation as receiver or liquidator, or as co-receiver or coliquidator of an association that the director of banking has taken charge of under the provisions of KRS 289.420 when:

(a) Any of the shareholders or investors of the association have insurance protection to any extent as provided by Title IV of the National Housing Act (48 Stat. 1246) as amended;

(b) The director of banking believes that the interests of the members will not be protected by the adoption of the procedure prescribed by KRS 289.425 or 289.426; and

(c) The Federal Savings and Loan Insurance Corporation agrees to make payment in accordance with the provisions of the National Housing Act.

Section 38. Section 311.520 of the Kentucky Revised Statutes is repealed.

Section 39. Subsection (8) of Section 311.550 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 311.550 to 311.620 and 311.990 (8) to (11):

(8) The "practice of medicine" does not include the practice of Christian Science, the practice of chiropody as defined in KRS 311.380, the practice of dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.010, the practice of nursing as defined in KRS 314.010, the practice of pharmacy by persons licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus, or mechanisms that are intended, advertised or represented as being for the treatment, correction, cure or relief of any human ailment, disease, injury, infirmity or condition, in regular mercantile establishments, or the practice of midwifery by women; provided, however, that KRS 311.550 to 311.620 shall not be construed as repealing the authority conferred on the Department of Health and its Division of Child Hygiene by KRS Chapter 211 to provide for the instruction, examination, licensing and registration of all midwives through county health officers.

Section 40. Section (7) of Section 405.990 of the Kentucky Revised Statutes is repealed.

Section 41. Section 439.095 of the Kentucky Revised Statutes is amended to read as follows:

The director of welfare of any county containing a city of the first class may promulgate rules and regulations for the creation, supervision and operation of a system of parole whereby there may be deduction for good conduct from the time of persons confined in the

workhouse or penal farm of such county by reason of a judgment of any court within such county. Provided, however, said system shall not become effective until such rules and regulations are approved by the fiscal court of such counties and may be amended by a similar procedure. If there is no director of welfare in such county, the fiscal court shall have the exclusive authority to promulgate such rules and regulations.

Section 42. Subsection (6) of Section 439.250 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 439.250 to 439.560, unless the context requires otherwise:

(6) "Conditional Releasee" means any person released under the provisions of KRS 197.045.

Section 43. Subsection (1) of Section 439.360 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board shall have the duty and authority to impose conditions upon prisoners released under KRS 197.045, and shall have the power to make regulations governing the conduct of such released persons.

Section 44. Section 453.190 of the Kentucky Revised Statutes is amended to read as follows:

Except as provided in paragraph (b) of subsection (2) of KRS 28.460, a court may allow a poor person residing in this state to prosecute or defend any action therein without paying costs, whereupon he shall have any counsel that the court assigns him and shall have from all officers all needful services and process without any fees, except such as are included in the costs recovered from the adverse party.

Section 45. This Act is subordinate to all other Acts of the 1958 General Assembly enacted before or after the passage of this Act. In case of any conflict between a provision of this Act and a provision of any other Act adopted at this Session, the provisions of the other Act shall prevail.

Section 46. The Legislative Research Commission shall analyze the statutes of the Commonwealth and prepare a revision thereof, classifying, consolidating and re-arranging the sections for purposes of classification, brevity and simplicity and removing conflicts, implied repeals and other errors resulting from new legislation and sectional revision. In this revision the Commission shall not alter the sense or effect of the statutes in any way. The general view directed by this Act shall be in addition to the regular statute revision work being performed by the Commission. The Commission may proceed by either topical revision or bulk revision and shall submit a report of the general revision program to the 1960 Session of the General Assembly.

Such report shall include such revised statutes as are recommended for enactment by the General Assembly.

SB 340: AN ACT relating to mental hospitals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

The Department of Mental Health may establish or acquire, in accordance with the provisions of KRS 56.440 to 56.550, and to conduct and maintain a suitable hospital and grounds for the purpose of providing specialized treatment for all persons who are presently confined in the various mental institutions who, in the opinion of the Advisory Council of Mental Health, would with intensive, acute and individualized treatment in all probability recover and for the treatment of those patients of the various mental institutions who in the opinion of the Advisory Council would be curable by the use of specialized psychiatric therapy.

Section 2. The Department shall operate such hospital in accordance with the provisions of Chapter 210 with respect to the operation of the various other mental institutions in the Commonwealth of Kentucky.

Section 3. There is hereby appropriated out of the General Fund for the purposes of this Act the sum of \$350,000.00. This sum shall not lapse at the end of the 1958-1959 fiscal year but shall be carried over into the 1959-1960 fiscal year.

SB 135: AN ACT relating to county liability.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 67.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal court of each county may, for the protection of the public and its employes, appropriate county funds to purchase liability insurance covering vehicles operated by the county, and compensation insurance covering employes of the county receiving injuries arising out of and in the course of employment. If the fiscal court fails to provide compensation insurance, the members thereof shall become personally liable for damage or injury sustained by its employes.

(2) Suits instituted on such policies may be maintained against the county only for the purpose of obtaining a judgment which when final shall measure the liability of the insurance carrier to the injured party for whose benefit the insurance policy was issued, but not to

be enforced or collectible against the county or fiscal court, or the members thereof.

Section 2. Section 67.185 of the Kentucky Revised Statutes is repealed.

HB 550: AN ACT relating to municipalities and public utility facilities therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. "Municipality" means any county, city, town, village and municipal corporation of any and every class in the Commonwealth of Kentucky, and any board, commission or agency thereof.

Section 2. No municipality, in which there is located an existing electric, water or gas public utility plant or facility shall construct or cause to be constructed any similar utility plant or any similar public utility facility duplicating such existing plant or facility or to obtain or acquire any similar public utility plant or facility other than by the purchase of the existing plant or facility or by the acquisition of such existing plant or facility by the exercise of the power of eminent domain.

Section 3. All laws and parts of laws in conflict herewith to the extent of such conflict are repealed.

HB 476: AN ACT relating to motor transportation, providing a change in bus mileage taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 281.815 of the Kentucky Revised Statutes is hereby repealed and re-enacted to read as follows:

(1) On or before January 1 of each year, and as a condition precedent to the use of the highways, every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways an annual tax upon each motor vehicle so used, as follows: Four dollars and fifty cents for each regular seat for the first thirty-one seats, and eight dollars for all seats in excess of thirty-one; except that taxicabs, city busses, industrial busses, suburban busses, and U-Drive-Its, shall pay the fees set forth in subsection (3) of this section.

(2) Every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways, including dead-head mileage, a mileage tax as follows: Busses with one to twenty regular seats, inclusive; none; busses with twenty-one to twenty-nine regular seats, inclusive, one-fourth of a cent per mile; busses with thirty to thirty-four

regular seats, inclusive, one-half of a cent per mile; busses with thirty-five to thirty-nine regular seats, inclusive, three-fourths of a cent per mile; busses with forty regular seats or more, one cent per mile.

(3) Taxicabs, city, suburban, and industrial busses, and U-Drive-Its, shall pay a license fee based upon seating capacity as follows:

Each taxicab	\$3.00 per seat
Each city bus	1.50 per seat
Each industrial bus	2.50 per seat
Each suburban bus	1.50 per seat
Each U-Drive-It Passenger Car	2.50 per seat

(4) All cities of the Commonwealth are hereby authorized to impose an annual license tax on all taxicabs certificated by the Department of Motor Transportation for operation in said city, which license tax shall not exceed thirty dollars per taxicab.

(5) All cities of the Commonwealth are hereby authorized to impose a mileage tax upon city busses when operating in said city under the authority of a city bus certificate, provided that said mileage tax shall not be in excess of one-fourth of a cent per mile operated in said city, and, in computing said mileage tax, miles operated upon roads or streets maintained by the Commonwealth or by any other governmental agency, except the city, shall not be counted.

Section 2. This Act shall become effective July 1, 1958.

HB 319: AN ACT relating to the exercise of the right of eminent domain by companies authorized to construct or operate a railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any company authorized to construct or operate a railroad may, at its option, condemn land or material necessary for its use in the manner provided by KRS 416.230 to 416.310, in lieu of following the procedure set out in KRS 416.010 to 416.080.

HB 510: AN ACT relating to the erection of a statue in memory of Alben William Barkley, and making an appropriation therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Commissioner of Finance shall, within the legislative biennium 1958-1960, enter into a contract with a qualified sculptor of high standing in artistic circles to carve a life-size statue of the late Alben William Barkley. This statue shall be so constructed as to harmonize in material, size and dimension with those statues presently located in the rotunda of the State Capitol. Upon completion, the statue shall be placed in the rotunda of the State Capitol.

Section 2. The following inscriptions shall be carved at appropriate places on the base of the statue:

ALBEN WILLIAM BARKLEY

Born November 24, 1877	Died April 30, 1956
United States Congressman	1913-1927
United States Senator	1927-1949
Vice-President of the United States	1949-1953
United States Senator	1955-1956

He died with these words on his lips, that will live in the hearts of Kentuckians forever:

"I had rather be a servant in the
House of the Lord than to sit in
the seats of the mighty."

Section 3. In order to carry out the provisions of this Act, there is hereby appropriated out of the General Expenditure Fund to the Department of Finance for the fiscal year 1958-1959, and without lapse if unexpended, for the fiscal year 1959-1960, the sum of Fifty Thousand Dollars; however, any unused or uncommitted portion of this sum shall revert to the General Expenditure Fund at the end of the biennium.

HB 567: AN ACT relating to the preservation of records of circuit and county courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Secretary of State shall purchase and maintain microfilming equipment and employ one qualified operator to operate, instruct, and supervise the operation of such equipment.

Section 2. The fiscal court of any county desiring to have all or any part of the county records microfilmed shall make application to the Secretary of State. Upon receipt of such application, the Secretary of State shall make the equipment and qualified operator available to the counties in the order in which the requests are made, subject to the limitations of funds available for that purpose.

Section 3. The expense of microfilming the county records, except the salary and expenses of the qualified operator provided in Section 1 of this Act, shall be borne by the county desiring to have its records microfilmed. The cost of transporting the equipment shall be borne by the county to which the equipment is transferred for purpose of microfilming the county records, but in no instance shall the transportation expense exceed the amount that it would cost to transport the equipment from Frankfort, Kentucky, to the county desiring to have its records microfilmed.

Section 4. After the county records, or any part thereof, are microfilmed, the microfilm shall be transported to the office of the

Secretary of State for storage. The cost of such transportation shall be borne by the Commonwealth. The Secretary of State shall store all microfilm in a fire-proof vault and, in addition, shall provide proper records and indices for such microfilm.

Section 5. Records which are by statute made confidential and which are microfilmed, shall be treated as confidential by the Secretary of State and shall not be open for inspection as public records.

Section 6. The Secretary of State shall adopt rules and regulations providing for the type of microfilm equipment to be used and the maintenance standards to be observed at all times.

Section 7. The sum of twenty seven thousand five hundred dollars is hereby appropriated out of the General Fund to carry out the provisions of this Act. The sum shall not lapse at the end of the 1958-1959 fiscal year but shall be carried over into the 1959-1960 fiscal year.

HB 601: AN ACT relating to water districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Upon written request of two or more freeholders in a county adjacent to a county containing a water district, the board of commissioners of the district, may petition the county court of the adjoining county for addition of proposed territory. The procedure for such extension shall be the same as prescribed in KRS 74.110 and the county judge of the adjoining county may make such order as is therein provided. If more than thirty-five freeholders in the territory being added to the district are affected, the county judge of the adjoining county may appoint two additional commissioners who are residents of such territory; otherwise the judge may appoint one commissioner.

Calendar

SB 346, SB 82, SR 68, SR 69, SR 85, SB 332, HB 5, HB 13, HB 26, HB 49, HB 60, HB 71, HB 73, HB 76, HB 96, HB 102, HB 103, HB 104, HB 120, HB 132, HB 151, HB 152, HB 154, HB 174, HB 208, HB 209, HB 215, HB 216, HB 217, HB 231, HB 241, HB 276, HB 278, HB 279, HB 280, HB 283, HB 284, HB 303, HB 308, HB 309, HB 310, HB 312, HB 338, HB 350, HB 351, HB 352, HB 353, HB 357, HB 377, HB 426, HB 427, HB 447, HB 448, HB 466, HB 480, HB 561, HB 562, SB 351, SB 353, SB 354 were taken from the Calendar and ordered read at length for the second time. Senator Bassett moved that they be read by title only. Agreed by a majority of the members elected. Ordered placed in the Orders of the Day.

Orders of the Day

SB 104 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time.

Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Anggelis moved that Committee Amendment No. 1 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 3, section 2, lines 44 and 45 To read as follows: "Physician, for the purpose of this act, means any person licensed to practice medicine, chiropractic or osteopathy in Kentucky."

Adding in Section 8 after line 28 on page 10 a new paragraph, "G" to read as follows;

"A technical advisory committee on chiropractic services consisting of five members appointed by the Kentucky Association of Chiropractors. All members shall be chiropractors licensed to practice chiropractic in Kentucky."

Adopted by voice vote.

Senator Anggelis moved that Committee Amendment No. 2 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 1, section 1, line 5 By adding the word "indigent" after the word "its" so that line 5 as amended may read as follows: "the medical care of its indigent citizenry."

Adopted by voice vote.

Senator Anggelis moved that Committee Amendment No. 3 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 5, section 4, lines 2 and 3 Intro. Clause by striking the phrase "for adoption and execution."

Adopted by voice vote.

Senator Anggelis moved that Committee Amendment No. 4 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 5, section 4 (3), lines 9-13 incl. by striking Subsection (3) of Section 4 in its entirety.

Adopted by voice vote.

Senator Anggelis moved that Committee Amendment No. 5 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 7, section 5(3), line 21 by striking the words "quantity and quality".

Adopted by voice vote.

Senator Anggelis moved that Committee Amendment No. 6 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 10, section 9, lines 1-11 incl. by striking Section 9 in its entirety and substituting the following in lieu thereof:

Section 9. The Commissioner of Health shall appoint a County Medical Care Review Committee for each county of the Commonwealth consisting of three licensed medical physicians. The duties, responsibilities, and terms of office of such committees shall be defined

by regulation. Appointments shall be made from a list of three names for each position submitted by the Kentucky State Medical Association.

Adopted by voice vote.

Senator Angelis moved that Committee Amendment No. 7 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 3, section 2, line 45 by adding immediately thereafter the following: "For the purposes of prescribing or furnishing visual aid glasses, but for no other purposes, the term "physician" includes any person licensed to practice optometry in Kentucky;"

Adopted by voice vote.

Senator Angelis moved that Committee Amendment No. 8 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 3, section 2, line 38 by inserting the word "visual aid glasses" immediately following the word "supplies".

Adopted by voice vote.

Senator Angelis moved that Committee Amendment No. 9 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 3, section 2, line 61 by adding thereafter the following: "(14) "Optometrist" means a person licensed by the Kentucky Board of Optometric Examiners to practice optometry in Kentucky."

Adopted by voice vote.

Senator Angelis moved that Committee Amendment No. 10 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 3, section 3, line 3 by striking the word "eleven" and inserting in lieu thereof the word "twelve".

Adopted by voice vote.

Senator Angelis moved that Committee Amendment No. 11 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 4, section 3, line 5 by striking the word "nine" and inserting in lieu thereof the word "ten".

Adopted by voice vote.

Senator Angelis moved that Committee Amendment No. 12 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 5, section 3, line 33 by inserting after the word, "nurses", the following: "One member of the council shall be a licensed optometrist and shall be appointed from a list of three names submitted by the Kentucky Optometric Association."

Adopted by voice vote.

Senator Angelis moved that Committee Amendment No. 13 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 10, section 8, line 28 by adding thereafter the following: "(H) A Technical Advisory Committee on Optometry consisting of five members appointed by the Kentucky Optometric Association."

Adopted by voice vote.

Senator Anggelis moved that Committee Amendment No. 14 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 2, section 2, line 35 by inserting the word "optometric" immediately following the word "dental".

Adopted by voice vote.

Senator Anggelis moved that Committee Amendment No. 15 to **SB 104** be adopted.

Amend printed copy of **SB 104** on page 3, section 2, line 37 by inserting the word "or optometrists" immediately following the word "dentists"

Adopted by voice vote.

Senator Anggelis moved the Previous Question on **SB 104** as amended. Agreed by voice vote.

On roll call, the vote was: Yeas, 31—Anggelis, Blake, Blue, Bonn, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Richmond, Robinson, Ware, Warinner, Willis, Young; Nays, 1—Bassett.

SB 104 was passed and the title agreed to.

SB 322 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 322**. Agreed.

On roll call, the vote was: Yeas, 30—Anggelis, Bassett, Blake, Blue, Bonn, C. H. Davis, Mrs. J. H. Davis, Duncan, Fields, Francis, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Warinner, Willis; Nays, 1—Ware.

SB 322 was passed and the title agreed to.

SB 317 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Johnson moved that Committee Amendment No. 1 to **SB 317** be adopted.

Amend printed copy of **SB 317** on page 3, after Section 4, line 5 by adding the following:

"Section 4½. The board shall develop an equitable formula for determining the retirement date of a member who has served both as a state employe and as a legislator and for determining the member's service retirement allowance. A member who is eligible to retire either as a legislator or as a state employe may have his benefits calculated as a legislator or as an employe, whichever is greater."

Adopted by voice vote.

Senator Johnson moved that Committee Amendment No. 2 to **SB 317** be adopted.

Amend printed copy of **SB 317** on page 2, section 2, after line 9 by adding the following: "a person with prior legislative service but not holding office on the effective date of this Act may join at any time before October 1, 1960."

Adopted by voice vote.

Senator Johnson moved that Committee Amendment No. 3 to **SB 317** be adopted.

Amend printed copy of **SB 317** on page 2, section 3, line 7 by inserting after the word "four" and preceding the word "sessions" the words "regular and/or special".

Adopted by voice vote.

Senator Johnson moved the Previous Question on **SB 317** as amended. Agreed.

On roll call, the vote was: Yeas, 18—Anggelis, Bassett, Blake, Bonn, C. H. Davis, Mrs. J. H. Davis, Fields, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, McCann, Overbey, Robinson, Warinner; Nays, 15—Blue, Clay, Duffy, Duncan, Francis, Freeman, Kidwell, Knuckles, Lucas, Melton, Miller, Reuscher, Richmond, Ware, Willis.

SB 317 did not pass for lack of constitutional majority.

Senator Warinner moved that the vote by which said bill failed to pass be reconsidered and said motion be laid on the table. Motion withdrawn by agreement.

SB 335 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Ware moved the Previous Question on **SB 335**. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blake, Blue, Bonn, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Ware, Warinner, Willis, Young; Nays, 0.

SB 335 was passed and the title agreed to.

SB 345 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time.

Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Howell moved the Previous Question on **SB 345**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Overbey, Reuscher, Richmond, Robinson, Ware, Warinner, Willis, Young; Nays, 0.

SB 345 was passed and the title agreed to.

SB 349 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Howell moved the Previous Question on **SB 349**. Agreed.

On roll call, the vote was: Yeas, 23—Anggelis, Bassett, Blake, C. H. Davis, Mrs. J. H. Davis, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, Overbey, Richmond, Robinson, Warinner, Willis; Nays, 5—Duffy, Kidwell, Reuscher, Ware, Young.

SB 349 was passed and the title agreed to.

Senator Howell moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SR 66 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Kelly moved that **SR 66** be adopted by voice vote. Agreed, and said resolution so adopted.

SB 217 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Ware moved the Previous Question on **SB 217**. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blake, Blue, Bonn, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Ware, Warinner, Willis, Young; Nays, 0.

SB 217 was passed and the title agreed to.

HB 79 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time.

Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 79**. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blake, Blue, Bonn, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Ware, Warinner, Willis, Young; Nays, 0.

Senator Howell moved to amend the title of **HB 79**.

Amend title of **HB 79** to read as follows: "AN ACT relating to state purchases giving preference to products of the Kentucky Industries for the Blind and to be known as the Patience Vice Act."

Adopted by voice vote.

HB 79 was passed and the title agreed to.

HB 153 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 153**. Agreed.

On roll call, the vote was: Yeas, 26—Anggelis, Bassett, Blake, Clay, Mrs. J. H. Davis, Duncan, Fields, Francis, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Richmond, Robinson, Ware, Warinner, Willis; Nays 4—C. H. Davis, Knuckles, Overbey, Reuscher.

HB 153 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 314 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Robinson, seconded by Senator Duffy, moved that **SB 314** be recommitted. Motion lost by voice vote.

Senator Richmond moved the Previous Question on **SB 314**. Agreed.

On roll call, the vote was: Yeas, 24—Anggelis, Blue, Bonn, Clay, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, McCann, Melton, Overbey, Reuscher, Richmond, Robinson, Ware, Willis; Nays, 4—Bassett, C. H. Davis, Duffy, Young.

SB 314 was passed and the title agreed to.

Senator Richmond moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Senator Bassett moved to suspend the Rules for the purpose of making a Committee Report. Agreed.

Report of Committees

The Rules Committee reported **SB 357, SB 356, SB 288, SB 358** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

SB 357: AN ACT relating to establishment of Breathitt County State Park.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby established in Breathitt County, Kentucky, near the site of the "cut-off" of the Kentucky River near Jackson, a state park to be known as "Breathitt County State Park", the site of approximately six hundred acres to be provided by Breathitt County and the City of Jackson. The park shall be developed and maintained for historical and recreational purposes by the Department of Conservation.

Section 2. The Division of Parks is authorized to acquire the real property and to develop such facilities as are deemed advisable. For such development there is hereby appropriated out of the General Fund the sum of \$100,000 for the 1958-1960 biennium.

SB 356: AN ACT relating to workmen's compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 342.020 of the Kentucky Revised Statutes is hereby repealed and reenacted to read as follows:

(1) In addition to all other compensation provided in this chapter, the employer shall furnish for the cure and relief from the effects of an injury or occupational disease, such medical, surgical and hospital treatment, including nursing, medical and surgical supplies and appliances, as may reasonably be required at the time of the injury and thereafter during disability, or as may be required for the cure and treatment of an occupational disease, but not exceeding a total expense to the employer of more than twenty-five hundred dollars. If the employer fails to furnish such treatment reasonably, he shall be liable for the reasonable expense, within the limits of this section, incurred by or on behalf of the employee in providing such treatments. In an emergency, the employee may call in any available physician or surgeon to administer any first aid reasonably necessary at the expense of the employer within the limits of this section. The board, in its discretion, may apportion payments to be made under this section between hospitals and physicians in cases where their aggregate fees and charges would exceed the maximum for which the employer is liable.

(2) Where a compensable injury or occupational disease results in the amputation of an arm, hand, leg or foot, or the loss of hearing, or the enucleation of an eye or the loss of natural teeth, the employer shall initially furnish in addition to other medical, surgical and hospital treatment enumerated in subsection (1) of this section, a modern artificial member, and where required, proper braces but the employer's liability for such artificial member or braces shall not, including his liability for medical, surgical and hospital treatment, exceed twenty-five hundred dollars.

Section 2. Section 342.030 of the Kentucky Revised Statutes is hereby repealed and reenacted to read as follows:

(1) If it is shown that the employer is furnishing the requirements provided by KRS 342.020 in such manner that there is reasonable ground for believing that the life, health or recovery of the employe is being endangered or impaired thereby, the board may order a change in the physician or other requirement. If the employer fails promptly to comply with such order after receiving it, the board may permit the employe or someone for him to provide the same at the expense of the employer under such reasonable regulations as may be provided by the board.

(2) No action shall be brought against any employer subject to this chapter by any person to recover damages for malpractice or improper treatment received by any employe from any physician, hospital or attendant thereof.

Section 3. Section 342.035 of the Kentucky Revised Statutes is hereby repealed and reenacted to read as follows:

(1) All fees and charges under KRS 342.020 and 342.030 shall be fair and reasonable, shall be subject to regulation by the board and shall be limited to such charges as are reasonable for similar treatment of injured persons of a like standard of living in the same community and where such treatment is paid for by the injured person himself. In determining what fees are reasonable, the board may also consider the increased security of payment afforded by this chapter.

(2) Where such requirements are furnished by a public hospital or other institution, payment thereof shall be made to the proper authorities conducting it. No compensation shall be payable for the death or disability of an employe if his death is caused, or if and in so far as his disability is aggravated, caused or continued, by an unreasonable failure to submit to or follow any competent surgical treatment or medical aid or advice.

SB 288: AN ACT proposing an amendment to the Constitution of Kentucky relating to the organization and government of cities of the first and second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The people of each city of the first or second class are hereby authorized to make, adopt, amend, or repeal the charter of said city to the end that self-government in all municipal matters may be effected. Such charters and ordinances as may be adopted pursuant hereto shall supersede, within the territorial limits of said city, anything in this Constitution or the law of the Commonwealth pertaining to municipal matters and in conflict therewith. All extant laws and ordinances, and such as may hereafter be adopted, shall remain in effect until superseded by action taken pursuant to the provisions hereof. The adoption of a charter shall vest exclusively in the adopting city such powers and authority over municipal matters as may be provided therein and which the General Assembly might otherwise authorize a city to exercise under this Constitution in the absence of this provision.

Section 2. A proposal for calling a charter convention may be initiated either by a three-fourths vote of all the members of the existing city legislative body or by a petition filed with the legislative body signed by qualified voters equal in number to twenty-five percent of the voters cast in the last municipal election. Such proposal shall be deemed adopted when approved by a majority of those voting thereon in any election, special or otherwise, and the General Assembly shall enact proper general laws to carry into effect the provisions of this section.

Section 3. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

SB 358: AN ACT proposing an amendment to the Constitution of Kentucky relating to county government.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is proposed that a new section be added to the Constitution of the Commonwealth of Kentucky, to read as follows:

The General Assembly may provide an alternate form or alternate forms of county government, any one or more of which may be submitted to the voters of any county in such manner and at such time or times as may be provided by general law, and any one of which shall become effective in any county only after it has received the approval of a majority of the qualified voters voting in that county upon the question of approval; provided, that no alternate form shall be submitted or be effective unless it requires the election, by the voters, of the members of the fiscal court or other governing body of the county. The requirements of Sections 99, 142, 144 shall not be applicable to counties having a form of government constituted pursuant to this section.

Section 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

Recess

Senator Bassett moved to recess until 8:00 p.m. Agreed. At the appointed hour, the President of the Senate called the Senate to order.

Orders of the Day

HB 159 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Fields moved the Previous Question on **HB 159**. Agreed.

On roll call, the vote was: Yeas, 27—Anggelis, Bassett, Blake, Byers, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Hamilton, Hickerson, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Miller, Overbey, Reuscher, Richmond, Robinson, Warinner, Young; Nays, 2—Bonn, Ware.

HB 159 was passed and the title agreed to.

Senator Fields moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Recess

Senator Bassett moved to recess until 9:00 p.m. Agreed. At the appointed hour, the Senate was called to order by the President, Lieutenant Governor Harry Lee Waterfield.

Senator Bassett moved adjournment until 1:00 p.m., Tuesday, March 18, 1958. Agreed.

TUESDAY, MARCH 18, 1958

FIFTY-SEVENTH LEGISLATIVE DAY

The Senate was called to order by the President, Lieutenant Governor Harry Lee Waterfield.

Prayer by the Reverend Carter Roberts, of the Church of the Nazarene, Frankfort, Kentucky.

The roll was called. All members present.

The reading of the Journal for Monday, March 17, 1958, dispensed with and the same approved on motion of Senator McCann.

House Message

Announcing passage of **SR 82, HB 36, HB 38, HB 443, HB 171, HB 194, HB 321, HR 15**. Ordered that said bills and resolutions be referred.

Motions

Senator Kelly moved that Sarella Walton, Mary Marshall Clift be made Honorary Pages of the Senate. Agreed.

Senator Howard moved that Mary Emma Williams and Edith Earlene Williams be made Honorary Pages of the Senate. Agreed.

Senator Kidwell moved that Alan Ramsey be made an Honorary Page of the Senate. Agreed.

Senator Robinson moved that Jerry Dwight Gary be made an Honorary Page of the Senate. Agreed.

Senator Blake moved that Ann Marie Lucus be made an Honorary Page of the Senate. Agreed.

Senator Van Hoose moved that Beverly Ann Mellon be made an Honorary Page of the Senate. Agreed.

Senator Hamilton moved that Jim Morris, Ann Hazelrigg and David Bell be made Honorary Pages of the Senate. Agreed.

Senator Francis moved that Edwin Kubale, Marium Kubale, Cordelia Kubale, Bonny Baughman, and Penny Baughman be made Honorary Pages of the Senate. Agreed.

Senator Blue moved that Ronald David Marks, Billy Earl Mitchell, Phil Frederick, Paula Crafton, Carolyn Kay Hartman, Charles Ashley Mitchell, Richard Mitchell, Benny Davis Hendrix, Mark Mitchell, Sammy Young, Billy Curry, and Thomas Vaught be made Honorary Pages of the Senate. Agreed.

Senator Freeman moved that Deidra Lyn Poyner, Richard Orville Jones, Susan Austin, John Lee Winslow, Molly Winslow, Richard Harrison Duncan, Charlene Lillard Duncan, and Tracy Ann Bowers be made Honorary Pages of the Senate. Agreed.

Senator Howell moved that Don Franklin Hagans, Kathy Hagans and David Eugene Hagans be made Honorary Pages of the Senate. Agreed.

Senator Knuckles, seconded by Senator Lucas, moved that the vote by which **SB 317** was defeated on March 17, 1958 be reconsidered. Agreed by voice vote.

Senator Van Hoose moved that **SB 317** be made a special order as soon as the Orders of the Day were to be considered. Agreed by voice vote.

Introductions

SR 95, by Senator Knuckles: A RESOLUTION authorizing an investigation of allegations concerning the solicitation of bribes for the purpose of influencing legislation in the General Assembly.

Senator Bassett moved that **SR 95** be referred to the Rules Committee. Senators Van Hoose and Knuckles requesting a roll call on said motion, it was so ordered.

On roll call, the vote was: Yeas, 27—Anggelis, Bassett, Blake, Bonn, Byers, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Willis, Young; Nays, 8—Blue, Clay, Cornett, C. H. Davis, Knuckles, Van Hoose, Ware, Warinner.

SR 95 was referred to the Rules Committee.

Report of Committees

The Rules Committee reported **HB 236**, **HB 320**, **HB 371**, **HB 412**, **HB 461**, **HB 522**, **HB 546** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 236: AN ACT relating to social security, extending coverage to teachers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 61.410 of the Kentucky Revised Statutes is amended to read as follows:

(1) In order to extend to certain employes of the Commonwealth and its political subdivisions, and interstate instrumentalities, not now members of public retirement systems, and to the dependents and survivors of such employes, the basic protection accorded to others by the Old-Age and Survivors Insurance System embodied in the Social Security Act, it is hereby declared to be the policy of the General Assembly to provide such protection to such employes, and their dependents and survivors, on as broad a basis as is permitted under the Social Security Act.

(2) Subject to the provisions of KRS 61.430 (6) and the Federal Social Security Act, as amended, and regardless of present coverage under a public retirement system, it is declared to be the policy of

the General Assembly to extend the aforesaid protection to the employes of the state colleges enumerated in KRS 164.290 and to the teachers of any school district, and to their dependents and survivors.

Section 2. Section 61.420 of the Kentucky Revised Statutes is amended to read as follows:

For the purposes of KRS 61.410 to 61.500:

(1) "Wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash, except that such term shall not include that part of such remuneration which, even if it were for "employment" within the meaning of Federal Insurance Contributions Acts, would not constitute "wages" within the meaning of that Act;

(2) "Employment" means any service performed by an employe in the employ of the Commonwealth, a political subdivision, or an interstate instrumentality, for such employer, except (a) service of an emergency nature, (b) service which in the absence of an agreement entered into under KRS 61.410 to 61.500 would constitute "employment" as defined in the Social Security Act, or (c) service which under the Social Security Act may not be included in any agreement between the Commonwealth and Federal Security Administrator entered into under KRS 61.410 to 61.500; provided, however, that service, the compensation for which is on a fee basis, may be excluded in any plan approved under KRS 61.410 to 61.500, and provided also, that service is any class of classes of positions, the exclusion of which is permitted under the Social Security Act, may be excluded in any plan approved under KRS 61.460;

(3) "Employe," in addition to its usual meaning, includes both elective and appointive officers of the Commonwealth, political subdivisions, or interstate instrumentalities;

(4) "State agency" means the Division of Personnel Security in the Department of Economic Security;

(5) "Federal Security Administrator" includes any individual to whom the Federal Security Administrator has delegated any of his functions under the Social Security Act with respect to coverage under such act of employes of states and their political subdivisions;

(6) "Political subdivision," in addition to counties, municipal corporations and school districts, includes instrumentalities of the Commonwealth, of one of more of its political subdivisions or of the Commonwealth and one or more of its political subdivisions, and any other governmental unit thereof;

(7) "Social Security Act" means the Act of Congress approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," including regulations and requirements issued pursuant thereto, as such act has been and may from time to time be amended;

(8) "Federal Insurance Contributions Act" means sub-chapter A of Chapter 9 of the Federal Internal Revenue Code as such Code has been and may from time to time be amended;

(9) "Secretary of Health, Education and Welfare" includes any individual to whom the Secretary of Health, Education and Welfare has delegated any of his functions under the Social Security Act, with respect to coverage under this Act, and with respect to any action taken prior to April 11, 1953, includes the Federal Security Administrator and any individual to whom such Administrator has delegated such functions; and

(10) "Teachers" means any full-time regular or special teacher, principal, supervisor, superintendent, assistant-superintendent, librarian, attendance officer, or other full-time member of the teaching or professional staff engaged in the service of the public elementary and secondary schools for whom certification is required as a condition of employment.

Section 3. Section 61.430 of the Kentucky Revised Statutes is amended to read as follows:

Consistent with the terms and conditions of KRS 61.410 to 61.500, the state agency, with the approval of the Governor, is hereby authorized to enter on behalf of the Commonwealth into an agreement with the Secretary of Health, Education and Welfare, for the purpose of extending the benefits of the Federal Old-Age and Survivors Insurance System to employees of the Commonwealth or any political subdivision thereof with respect to services specified in such agreement which constitute "employment" as defined in KRS 61.420. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration and other appropriate provisions as the state agency and Secretary of Health, Education and Welfare shall agree upon, but except as may be otherwise required by or under the Social Security Act as to the services to be covered, such agreements shall provide in effect that:

(1) Benefits will be provided for employees whose services are covered by the agreement, and their dependents and survivors, on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The state will pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages equal to the sum of taxes which would be imposed by Sections 1400 and 1410 of the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that Act;

(3) Such agreement or modification of such agreement shall be effective with respect to services performed after an effective date specified in the agreement or modification thereof but in no case prior

to January 1, 1955 for cases where such agreement or modification is agreed to prior to January 1, 1958; for cases where such agreement or modification is agreed to during the years 1958 and 1959, the effective date specified in such agreement or modification shall not be earlier than January 1, 1956; and in no case prior to the first day of the calendar year in which such agreement or modification, as the case may be, is agreed to by the Secretary of Health, Education and Welfare and the Commonwealth after December 31, 1959;

(4) All services which constitute employment and are performed in the employ of the Commonwealth by employes of the Commonwealth shall be covered by the agreement;

(5) All services which (a) constitute employment, (b) are performed in the employ of a political subdivision of the state, and (c) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the state agency under KRS 61.460, shall be covered by the agreement.

(6) (a) Such agreement or modification of such agreement, as permitted under the Social Security Act, shall include all services described in subsection (4) and performed by employes in positions covered by a retirement system at the various state colleges enumerated in KRS 164.290, and teachers of any school district, with respect to which the Governor has issued a certificate to the Secretary of Health, Education and Welfare pursuant to this subsection;

(b) With respect to state colleges enumerated in KRS 164.290, or upon petition of at least one-fifth of the teachers of any school district, the Governor shall authorize referendums and designate agencies or individuals to respectively supervise their conduct in accordance with the requirements of Section 218 (d) (3) of the Social Security Act and this subsection;

(c) Such referendum shall be conducted in conformity with the following conditions:

Each referendum shall be by secret, written ballot on the question of whether or not service in positions now covered by a public retirement system in the state college or school district shall be included under the agreement between the Governor and the Secretary of Health, Education and Welfare;

An opportunity to vote in such referendum shall be given and shall be limited to all eligible employes of such state college, or school district;

Not less than ninety days notice of such referendum shall be given to all such employes of the state college, or school district;

Such referendum shall be conducted under the supervision of an agency or individual designated by the Governor;

The proposal for coverage shall be approved only if a majority of the eligible employes of the state college, or school district vote in favor of including services in such positions under the agreement;

(d) Upon receiving satisfactory evidence that, with respect to any such referendum, the conditions specified in this subsection and Section 218 (d) (3) of the Social Security Act have been met, the Governor shall so certify to the Secretary of Health, Education and Welfare;

(7) For the purposes of this section, employes of each of the colleges enumerated in KRS 164.290 or school district shall be considered a separate coverage group.

HB 320: AN ACT relating to Commonwealth's attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In any county containing a city of the second class the Commonwealth's attorney may appoint an assistant Commonwealth's attorney, who shall possess the same qualifications as the Commonwealth's attorney. The appointment shall be for a term of four years, but the assistant may be removed at any time by the Commonwealth's attorney. The assistant shall have the same powers and perform the same duties as the Commonwealth's attorney, subject to the direction and control of the Commonwealth's attorney, and shall act for the Commonwealth's attorney when the Commonwealth's attorney is absent or unable to perform his duties. The assistant's compensation shall be paid from fines and forfeitures collected in the judicial district he serves. After the Commonwealth's attorney has been paid the limit to which he is entitled under law from fines and forfeitures, the same percentage of such fines and forfeitures shall be paid to the assistant Commonwealth's attorney until the latter shall have been paid the sum of \$3600 in a calendar year. In the event such percentage of fines and forfeitures fails to amount to \$3600 in any calendar year, the deficiency shall be paid from the fines and forfeitures collected in the judicial district if there be a sufficient amount collected beyond what was paid in such previous year to the Commonwealth's attorney and the assistant Commonwealth's attorney. Should there be insufficient fines and forfeitures in the previous year then such deficiency may be made up in any succeeding year. The fiscal court in each of the counties in the judicial district may augment the compensation of the assistant Commonwealth's attorney by fixing an annual salary.

HB 371: AN ACT authorizing the appointment of an Assistant Attorney General for the Department of Education.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Attorney General shall, with the approval of the Superintendent of Public Instruction, appoint an Assistant Attorney General whose duty shall be to act as legal counsel for the Department of Education. He shall be a licensed, practicing attorney of this State.

The Department of Education shall furnish him office space and equipment, necessary books and stenographic assistance. He shall be compensated out of the appropriations of the Department of Education.

HB 412: AN ACT relating to utility gross receipts taxes.

Section 136.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Subject to the exceptions contained in subsection (2) of this Section, and except as provided in KRS 279.200, an excise tax is hereby imposed on the sale of electric current, water, artificial, natural or mixed gas, and on furnishing the ways or means for the transmission of the voice or of messages between persons in this state, other than those transmitted by United States Mail, equal to three percent of the aggregate gross receipts of the persons engaged in such business. Every such person shall collect the tax from the purchaser and account to the state for the tax in the manner provided by KRS 136.250.

(2) No tax is imposed upon the transmission of the voice or messages for, or upon sales of electric current, water, artificial, natural or mixed gas to the United States, this state, any city or other political subdivision of this state, or any charitable, religious or educational institution in this state. No tax is imposed upon sales of electric current, water, artificial, natural or mixed gas for the purpose of resale, nor upon the sale of electric current or artificial or natural gas for use in manufacturing, processing, refining or for use in producing, extracting, or mining coal, petroleum, natural gas or mineral deposits. Sales of electric current, water, artificial, natural or mixed gas in interstate commerce are specifically excluded from the provisions of this Section.

HB 461: AN ACT providing for a tax on greyhound racing and providing how said tax shall be levied and collected and providing the means and method of levying and collecting same and providing penalties for the violation thereof; providing for a Greyhound Racing Commission; prescribing its powers and duties; providing for holding elections; providing for licensing such racing and apportioning the moneys derived therefrom; prescribing the hours within which such racing may be conducted; providing for the selling of combination or French pools within the enclosure of licensed race tracks; providing penalties for violations of this Act and repealing any laws in conflict therewith.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) Any corporation formed for the purpose of racing or breeding of greyhounds and conducting races and contests of

speed shall have the power and right, subject to the provisions of this Act, to hold one or more race meetings in each year and to hold, maintain and conduct races at such meetings. At such meetings the corporation or the owners of greyhounds engaged in such races or others who are not participants in the racing may contribute purses, prizes, premiums or stakes to be contested for; but no person or persons other than the owner or owners of greyhounds contesting in a race shall have any pecuniary interest in a prize, purse, premium or stake contested for in such race, or be entitled to, or receive any portion thereof, after such race shall have been finished; and the whole of such purse, prize or premium or stake shall be allotted in accordance with the terms and conditions of such race.

(2) Such meetings shall be held during the period extending from the first day of May to the first day of November, except in counties having horse racing said meetings shall not be held during a horse race meeting. Said races shall be held between the hours of 7 a.m. and 12 p.m., and no racing shall be permitted on Sunday. No minor shall be permitted to attend said races.

Section 2. (1) A Greyhound Racing Commission is hereby established to consist of three persons to be appointed by the Governor. The members of said commission shall hold their offices for a term of four years and the first commission shall be appointed within twenty days after this Act shall go into effect. The Governor shall appoint a secretary for said commission who shall act for a period of two years whose duty it shall be to keep a full and faithful record of its proceedings and preserve at its general office all books, maps, documents and papers intrusted to its care and who shall perform such other duties as the commission may prescribe. The secretary shall be paid a salary to be fixed by the commission at a rate not exceeding five thousand dollars per annum, which shall be paid by the several racing corporations or associations conducting racing in this Commonwealth.

(2) The commission shall bi-annually make a full report to the General Assembly of its proceedings for the two year period ending with the first day of December preceding the meeting of the General Assembly and shall embody therein such suggestions and recommendations as it shall deem proper.

Section 3. (1) Said commission shall have the power to prescribe appropriate rules, regulations and conditions under which greyhound racing shall be conducted in this Commonwealth, except that the Commission shall not grant or issue any permit to any applicant to conduct greyhound racing within fifty miles from any greyhound track of any permit holder; and no such races shall be conducted except by a corporation or association duly permitted and licensed by such commission as herein provided.

(2) Any corporation or association desiring to conduct such racing may apply for a permit so to do. If, in the judgment of the com-

mission, a proper case for the issuance of such permit is shown, it may grant the same to the applicant and such permit shall contain the condition that all races or race meetings conducted thereunder shall be subject to the rules, regulations and conditions from time to time prescribed by the commission and shall be revocable by the commission for any violation thereof or whenever the permittee shall be found guilty of conduct not conducive to the best interests of legitimate greyhound racing.

(3) After a permit has been granted and issued to such applicant, the permittee shall have the right to have a license issued to it annually to conduct greyhound racing at its race track during the greyhound racing seasons of subsequent years unless greyhound racing in the county of the permittee's race track shall have been disapproved by a referendum election held as herein provided. But if a permit is revoked or a subsequent annual license is refused, revoked or suspended to any permittee by said commission, the commission shall publicly state its reasons for so doing and said reasons shall be written in full in the minute book of said commission, which shall at all times be subject to inspection upon application of any person desiring so to do.

(4) Said finding of the commission revoking such permit or refusing, revoking or suspending such annual license shall be subject to review by the circuit court of the county wherein the permittee is or proposes to do business. Either party may appeal to the Court of Appeals in the manner provided for civil cases.

Section 4. Greyhound race meetings, at which racing shall be permitted for any stake, purse or reward except as allowed by this Act, are hereby declared to be public nuisances and any person acting or aiding therein shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$500 nor more than \$1,000 for each day of such meeting or racing and in addition thereto, in a suit brought for the purpose by the Greyhound Racing Commission in the Circuit Court of the county where it may be proposed to conduct such unauthorized racing, an injunction may be obtained against the operation of said race meeting.

Section 5. (1) At the time of making application for a permit, the applicant shall deposit with the commission a cash bond, certified check or bank draft payable to the order of the commission in an amount equal to one hundred dollars for each day excluding Sundays, petitioned for in said application. At the close of the last day of the greyhound racing meeting for which a permit has been issued as provided for in Section 6 of this Act, the commission shall refund to such permit holder the sum of one hundred dollars for each racing day the permit holder paid the commission the tax due for said day as provided for and at the rate stipulated by this Act; provided, however, if such permit holder has not paid to the commission the expenses and compensation of representatives assigned to his or its track as provided for

in this Act, the commission is authorized and directed to withhold such refund until the same has been paid.

(2) In the event, any full day's racing is declared off by the judges on account of inclement weather, muddy track, or any essential part of said racing plant has been rendered unusable by fire, wind, riot or explosion or other cause, the commission shall refund to the permit holders the sum of one hundred dollars of their deposit for each day.

Section 6. (1) Upon the filing of an application accompanied by a permit fee or a cash bond, certified check or bank draft as herein provided by any person, association, trust or corporation not in default of payment of any obligation due to the Commonwealth of Kentucky under the provisions of this Act, the commission may issue a permit to such applicant to hold or conduct greyhound racing as authorized in this Act.

(2) Such permit shall specify the person, association, trust or corporation to whom the same is issued, the dates upon which such greyhound racing meetings are to be held or conducted, the hours of such dates between which such greyhound racing shall be permitted, the location of the place, track or enclosure which such greyhound racing meeting is to be held or conducted and shall in writing evidence the receipt of the payment of the permit fee and the deposit of the cash bond, certified check or bank draft by applicant. Any such permit issued to such applicant shall contain a condition that all greyhound racing meetings conducted therein shall be subject to the rules and regulations of the commission as then existing or as may be from time to time prescribed and promulgated by said commission. The permit shall be non-transferable and shall apply only to the place, track or enclosure specified therein.

(3) The commission may refuse to award dates or to issue a permit to any applicant if a permit has been previously issued to said applicant and revoked under the authority of this Act or for any cause by it deemed sufficient. Such permit may be suspended, diminished or revoked by the commission for any violation of this Act or of any rule of the commission made under authority of this Act, provided five days written notice is mailed by registered mail to the permit holder which notice shall specify the charges, the time and place of hearing thereon at which hearing the permit holder shall be given the opportunity of presenting evidence and being represented by counsel and the commission shall immediately enter upon its record of proceedings a memorandum of its action in such suspension, diminution or revocation and its reasons therefore.

Section 7. (1) Any person, association, trust or corporation holding a permit to conduct a greyhound racing meeting, may provide a place or places in the racing grounds or enclosure at which they or it may conduct and supervise the combination, French pools, or cer-

tificate system of wagering by patrons of legal age on the greyhound races conducted by such permit holder at such meeting.

(2) Such combination, or French pool or certificate method of wagering upon greyhound races held at or within such race track and at the time of such greyhound racing meeting shall not be held or construed to be unlawful, the Statutes of the Commonwealth of Kentucky to the contrary notwithstanding, and any law in conflict therewith is hereby repealed to the extent of such conflict.

(3) No other place except that provided and designated by the permit holder or any method of betting or wagering except the combination or French pools or certificate system shall be used or permitted by the permit holder. Combination or French pools or certificate system of wagering shall not be conducted by the permit holder on any greyhound races except the races at the race track grounds or enclosure for which the person, association, trust or corporation holds a permit.

(4) Each permit holder may retain as commission, not to exceed fifteen percent of the total of all money wagered each day. The permit holder may also retain the odd cents of all redistribution to be made on all compensation or French pools or certificate system, contributions exceeding a sum equal to the next lowest multiple of ten cents. At the close of each racing day, the permit holder shall pay to the commission as a tax, four percent of the total of all money wagered each day. In addition to the aforesaid taxes, each person, association, or corporation authorized to conduct race meetings under this Act shall pay to said commission as an admission tax, fifteen percent of all moneys received each day for admissions by persons attending said races. Said payment shall be accompanied by a report under oath showing the total of all said contributions and admissions on the races covered by such report and such other information as said commission may require.

(5) If any free passes or complimentary admission cards shall be issued to guests by any licensee, the licensee of such track shall pay to the commission the same tax upon such complimentary admission cards as if same were sold at the regular and usual rate; but nothing herein shall be construed to prevent the issuance of tax free passes to officials and accredited newspaper men and actual employes of the licensee or other person engaged actually in working at such race track, provided, however, that the issuance of all such tax-free passes shall be under the regulation or orders of the commission and a list of all officers and employes shall be filed with the commission.

(6) The tax herein imposed shall be in lieu of all license excise or occupational taxes to the Commonwealth of Kentucky, or any county, town or political subdivision thereof, except that when any racing meeting is held or conducted in any incorporated city or town, such city and town shall have right to assess and collect an additional tax against any person, firm, association or corporation conducting grey-

hound racing within its corporate limits not to exceed seventy-five dollars per day.

Section 8. All moneys collected from the three percent commissions as above referred to and all moneys collected from the sale of admission tickets as above referred to shall be paid by the Commission to the State Treasurer of the Commonwealth and said moneys when paid to the State Treasurer shall be credited to the General Expenditure Fund.

Section 9. At least eighty-five percent of all persons connected with any race track authorized under this Act, including gatekeepers, announcers and ushers shall be qualified electors of this Commonwealth, provided, that this section shall not apply to owners and trainers of racing greyhounds.

Section 10. (1) After any corporation or association duly licensed by this commission has been operating greyhound racing in any county for a period of sixty days if the citizens of said county are dissatisfied with greyhound racing in said county, an election or referendum may be ordered by the legal voters of said county in number equal to twenty-five percent of the votes cast therein at the last preceding election provided said number of voters shall sign a petition to that effect in the office and in the presence of the county clerk of said county, who shall at the time said petition is signed determine whether said signer or signers are qualified voters of said county.

(2) After the requisite number of voters have signed said petition, the county clerk shall certify these facts to the county judge, whose duty it shall be at the next regular term of the county court after receiving said petition to make an order in his order book directing an election to be held in such county, to be effected thereby on some day named in said petition, no earlier than sixty days after said application is lodged with the judge of said court, which order shall direct the sheriff or court officer of said county who may be appointed to hold said election, to open a poll at each and all of the voting places in such county, city, town, district or precinct on said date for the purpose of taking the sense of the legal voters of such county who are qualified to vote at elections for county officers upon the proposition whether or not greyhound racing shall be conducted in said county.

Section 11. (1) It shall be the duty of the county clerk to give to the sheriff of the county or such officer as may be appointed to hold said election a certified copy of the order of the county court as it appears on the order book within five days after said order is made; and it shall be the duty of said sheriff or other officer to have said order published in some weekly or daily paper published in the county for at least two weeks before the election and also to advertise the same by printed or written handbills posted at some conspicuous place in each precinct in the county; the sheriff or other officer shall have the

advertisements and notices posted as herein required within seven days after he receives the order of the county court.

(2) All elections provided for in this Act shall be held by such officers as would be qualified to hold elections for county officers and they shall be selected in the same way, and all elections provided for herein shall be held in accordance with the provisions of the general election laws of the state, except that they shall not be held on the same day with any regular political election, nor within thirty days preceding or following any such regular political election.

(3) The cost of the election shall be borne by the county.

Section 12. The proposition to be voted upon shall be stated upon the ballot without emblems and two spaces shall be left upon the right side of the ballot, one for votes favoring the proposition, to be designated by the word "Yes", and one for opposing it, to be designated by the word, "No." The voter shall designate his vote by a cross mark placed opposite the word "Yes" or the word "No." In any such election the form of the proposition shall be "Are you in favor of greyhound racing in (name of County)?"

Section 13. (1) The results of the election shall be certified by the county board of election commissioners. The certificate of the results shall be immediately filed with the county clerk and safely kept by him until the next regular term of the county court, when the court shall have the certificate entered on the order book. The entry of the certificate, or an attested copy thereof, shall be prima facie evidence of the result of the election in actions under this Act.

(2) When a majority of the votes cast at any election are in favor of the discontinuance of greyhound racing, such racing shall cease in the county as of November 1 in the year in which the election is held.

Section 14. The result of said election when so held under the provisions of this Act shall determine the question for a period of five years and no election shall be held again in said county upon the subject for a period of five years thereafter.

Section 15. If any section of this Act shall be declared unconstitutional it shall only affect such section and not affect any other section of this Act. All acts or parts of acts in conflict herewith are to the extent of such conflict hereby repealed.

HB 522: AN ACT relating to city officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 86.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member of the city council shall be elected by the qualified voters of the ward for which he stands, or if the city is not

divided into wards, by the qualified voters of the city. All other elective officers shall be elected by the qualified voters of the city. Each person voting for an elective city officer shall have the qualifications prescribed by Section 145 of the Constitution and each person voting for a member of the city council to represent any ward shall also have been a bona fide resident of that ward for sixty days next preceding the election. No person who has been defeated in any primary shall be a candidate for any city office the same year.

(2) In cities where the wards are coextensive with the county precincts, elections of all city officers shall be governed by the general registration and election laws. In other cities, elections of city officers shall be governed by the general registration and election laws except where this section provides otherwise.

(3) If the city is divided into wards not coextensive with the county precincts, the county clerk shall prepare or cause to be prepared, in addition to the other ballots required by law, a ballot book for each ward, and if any ward lies in more than one voting precinct, a ballot book for each precinct in the ward. Only the names of candidates for the city at large and of candidates for the ward shall be placed on the ballots for each ward. The general election laws shall govern the placing of names on the ballots, and the preparation, endorsement and delivery of the ballots. The officers of the election shall give to each voter who desires and is entitled to vote in the city election a ballot for his ward, in addition to the ballot of the state, county, district or precinct.

(4) The county election commission shall count the votes for each candidate for a city office, and within three days after the election shall deliver to the clerk of the city council a copy of the certificate of election issued to each person elected to a city office.

HB 546: AN ACT relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.560 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 138.560 to 138.640 and subsection (16) of KRS 138.990, unless the context requires otherwise:

(1) "Department" means the Department of Revenue.

(2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause prescribing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

(3) "Taxable special fuels" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public high-

ways, except that it does not include gasoline as defined in KRS 138.210.

(4) "Motor vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semi-trailer attached to or having its front end supported by such motor vehicle.

(5) "Public highways" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, notwithstanding that they may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction.

(6) "Special fuels dealer" means any person who imports or causes to be imported into this state for resale or use, or any person making sales in this state, of special fuels for resale or use in this state by a licensed special fuels user-seller.

(7) "Special fuels user-seller" means any person, not licensed as a special fuels dealer, who dispenses special fuels into the fuel tanks of, or attached to, motor vehicles for the propulsion of such motor vehicles on the public highways, and shall include any such person who so dispenses special fuels for consumption in such motor vehicles owned, leased or operated by him.

Section 2. Section 138.565 of the Kentucky Revised Statutes is amended to read as follows:

(1) An excise tax of seven cents per gallon is hereby levied and shall be paid by the special fuels dealer to the department on all taxable special fuels delivered to the licensed special fuels user-seller, or used by the special fuels dealer to propel motor vehicles on the public highways. An allowance of one percent of the tax shall be made to the special fuels dealer to cover unaccountable losses, bad debts, and handling and reporting the tax.

(2) Two-sevenths of all amounts received by reason of the tax paid under subsection (1) of this section shall be set aside by the Department of Highways for the construction, reconstruction and maintenance of rural and secondary roads and for no other purpose.

(3) No other excise or license tax shall be levied or assessed on special fuels by any political subdivision of the state.

Section 3. Section 138.570 of the Kentucky Revised Statutes is amended to read as follows:

(1) A license shall be required of each special fuels dealer and each special fuels user-seller.

(2) Application for a license shall be made to the department upon forms prepared and furnished by the department. The application shall contain such information as the department deems necessary.

(3) Concurrently with the filing of an application for a license, the special fuels dealer shall file with the department a bond as required under KRS 138.575. No license shall be issued to any person unless such person has furnished a bond as provided in KRS 138.575 to secure payment of taxes, penalties and interest imposed by KRS 138.560 to 138.640. No bond shall be filed with an application for special fuels user-seller license.

(4) The application in proper form having been accepted for filing, the bond, if required, having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue a license. However, if an application for a license is filed by any person whose license has at any time previously been revoked for cause by the department, or if the department is of the opinion that the person who makes the application as a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause, or that the application is not for any other reason filed in good faith or is not for sufficient cause, the department may, after a hearing of which the applicant shall be given ten days' notice in writing and in which he shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) All licenses shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise cancelled.

(6) A license shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.

(7) The department shall keep and file all applications and bonds, with an alphabetical index thereof.

Section 4. Section 138.575 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every special fuels dealer shall file with the department a corporate bond, cash bond or securities approved by the department in a minimum amount of \$500 and in a maximum amount of four month's liability for taxes imposed under KRS 138.560 to 138.640 but not to exceed \$50,000. If however, a special fuels dealer is bonded as provided in KRS 138.330 the department may waive the bonding requirement in this section provided a rider is attached to such bond to guarantee payment of all special fuels taxes together with all penalties and interest thereon and secure faithful compliance with the provisions of KRS 138.560 to 138.640. The applicant for a license shall be the principal obligor and this state shall be the obligee. The bond shall be conditioned upon the prompt filing of true reports and the payment by the licensee to the department of all taxes levied under KRS 138.560 to 138.640, together with all penalties and interest thereon and generally upon faithful compliance with the provisions of KRS 138.560 to 138.640.

(2) If the liability upon the bond is discharged or reduced, whether by judgment rendered, payment made, or otherwise or if in the opinion of the department any surety has become unsatisfactory or unacceptable, the department may require the licensee to file a new bond with satisfactory surety in the same form and amount, failing which the department shall forthwith cancel the license. If a new bond is furnished by the licensee as above provided, the department shall cancel the bond for which the new bond is substituted.

(3) If upon hearing, of which the licensee shall be given ten days' notice in writing, the department decides that the amount of the existing bond is insufficient to insure payment to this state of the amount of the tax, penalties and interest for which the licensee is or may become liable, the licensee shall forthwith, upon the written demand of the department, file an additional bond in the same manner and form with surety thereon approved by the department, in any amount determined by the department to be necessary, failing which the department shall forthwith cancel the license.

(4) Any surety on a bond furnished by a licensee shall be released from all liability to this state accruing on such bond after the expiration of sixty days from the date upon which the surety has lodged with the department a written request to be released, but this request shall not operate to release the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period. The department shall promptly on the receipt of the request, notify the licensee who furnished the bond, and unless the licensee shall, before the expiration of the sixty-day period, file with the department a new bond with surety satisfactory to the department in the amount and form hereinbefore provided, the department shall forthwith cancel the license. If the new bond is furnished by the licensee as above provided, the department shall cancel the bond for which the new bond is substituted.

Section 5. Section 138.580 of the Kentucky Revised Statutes is amended to read as follows:

(1) If a licensee at any time files a false monthly report of the information required, or fails or refuses to file the monthly report or to pay the full amount of the tax or violates any other provision of KRS 138.560 to 138.640, inclusive without a showing that such failure was due to reasonable cause, the department may cancel the license and suspend the privilege of acting as a special fuels dealer.

(2) Upon voluntary surrender of the license or upon receipt of a written request by a licensee, the department may cancel his license, effective sixty days from the date of request, but no such license shall be canceled upon surrender or request unless the licensee has, prior to the date of cancellation, paid to this state all taxes, penalties, interest and fines that are due or have accrued, and unless the licensee has surrendered to the department his license.

(3) If upon investigation the department ascertains that any person to whom a license has been issued is no longer engaged as a special fuels dealer or special fuels user-seller, and has not been so engaged for a period of six months, the department may cancel such license by giving the person sixty days' notice of cancellation, mailed to his last known address, in which event the license shall be surrendered to the department.

(4) Whenever a licensee ceases to engage in business within this state, he shall notify the department in writing within fifteen days after discontinuance. All taxes that have accrued under KRS 138.560 to 138.640, inclusive, whether or not then due, shall become due and payable concurrently with such discontinuance. The licensee shall make a report and pay all such taxes and any interest and penalties thereon, and shall surrender to the department his license.

(5) If the license is cancelled by the department as provided in this section, and if the licensee has paid to this state all taxes, interest and penalties due under KRS 138.560 to 138.640 and 138.990, the department shall cancel the bond filed by the licensee.

Section 6. Section 138.585 of the Kentucky Revised Statutes is amended to read as follows:

Every special fuels dealer licensee shall maintain complete records of inventories, purchases, sales, use and other dispositions of special fuels. Such records, together with manifests of lading, invoices, correspondence and other papers pertaining to special fuels shall be retained for a minimum period of two years, and, if requested by the department, shall be made available for examination by the department.

Section 7. Section 138.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every special fuels dealer licensee shall file with the department, on forms prescribed by the department, a monthly tax return. The return shall be made under penalty of perjury and shall show such information as the department may require. The licensee shall file the return on or before the last day of the next succeeding calendar month following the month to which it relates.

(2) The monthly tax return shall be accompanied by remittance covering the tax due.

Section 8. Section 138.595 of the Kentucky Revised Statutes is amended to read as follows:

The tax imposed by KRS 138.565 shall be computed by multiplying the number of gallons of taxable special fuels sold or used by the tax rate.

Section 9. Section 138.615 of the Kentucky Revised Statutes is amended to read as follows:

The department may audit the books and records of each licensee and make such other investigations as it deems necessary to determine whether or not the tax and other requirements imposed by KRS 138.560 to 138.640 have been met.

Section 10. Section 138.620 of the Kentucky Revised Statutes is amended to read as follows:

The reports required by KRS 138.590 shall be accompanied by a certified or cashier's check, payable to the State Treasurer, for the amount of tax due for the preceding calendar month computed as provided in KRS 138.595, except that the department may waive this requirement and accept the check of the licensee if he is of sound financial condition and has established a good record of compliance with the requirements of KRS 138.560 to 138.640.

Section 11. Section 138.625 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any special fuels dealer neglects or refuses to make the return required by KRS 138.590 or to pay the tax at the time provided, a penalty of twenty percent thereof and interest at six percent per annum from the date when due shall be paid as a part of the tax. If collected by proceedings in court, an additional penalty of twenty percent shall be collected and distributed as is authorized by KRS 134.400 and 135.060.

(2) If any taxpayer subject to the penalty provided in subsection (1) of this section submits in writing to the department, his reasons for failure to comply with KRS 138.590, and if the department finds the reasons evidence of justifiable cause for modifying the penalty provided in subsection (1) of this section, it may modify the penalty exacted therein to five percent of the amount of the tax due and delinquent, provided the five percent penalty may be reduced to a one percent penalty if the violation is the first violation by the taxpayer within twelve months.

(3) Any special fuels dealer who fails to make any return required under KRS 138.590 within the time required shall pay a penalty of ten dollars to be assessed and collected in the manner provided for the assessment and collection of taxes, under KRS 138.560 to 138.640 inclusive or in a civil action initiated by the department. In addition such delinquent taxpayer may be compelled to make the required report or return.

Section 12. Section 138.630 of the Kentucky Revised Statutes is amended to read as follows:

With respect to KRS 138.560 to 138.640, it is unlawful for any person to:

- (1) Fail to pay the taxes due;
- (2) Fail, neglect or refuse to make and file any statement required in the manner or within the time required;

(3) Make any false statement or conceal any material fact in any record, report or affidavit;

(4) Conduct any activities requiring a license without a license or after a license has been surrendered, cancelled or revoked;

(5) Assign or attempt to assign a license to act as a special fuels dealer;

(6) Deliver taxable special fuels to any person not licensed as a special fuels user-seller or special fuels dealer except it shall not be an unlawful act to deliver non-taxable special fuels into tax-free storage to such licensees or other persons providing delivery is made into separate storage facilities identified as non-taxable in accordance with regulations issued by the department;

(7) Maintain storage facilities for taxable special fuels and dispense taxable special fuels therefrom into any fuel tank attached to a motor vehicle unless such person is the holder of a special fuels user-seller license; or

(8) Violate any other provisions.

Section 13. Section 138.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department shall administer the taxes provided under KRS 138.560 to 138.640 inclusive and may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

(2) The department shall, upon the request of the officials to whom are entrusted the enforcement of the special fuels tax law of any other state, the United States, the provinces or the Dominion of Canada, forward to such officials any information which it may have relative to the manufacture, receipt, sale, use, transportation, shipment or delivery by any person of special fuels, provided such other state or states provides for the furnishing of like information to this state.

Section 14. Section 138.655 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Department" means Department of Revenue.

(2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof.

(3) "Public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for the purpose of construction, maintenance, repair or reconstruction.

(4) "Motor vehicle" means any vehicle, machine or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer

or semi-trailer attached to or having its front end supported by such motor vehicle.

(5) "Declared gross weight" means the combined weight of the vehicle and the heaviest load that the vehicle will be used to carry at any time on the public highway.

(6) "Motor carrier" means every person who operates or causes to be operated on any highway in this state, any bus engaged in hauling passengers for hire operating under a certificate of convenience and necessity and any motor vehicle, trailer, or semi-trailer, of a declared gross weight of not less than 27,001 pounds, except this weight limit shall not operate to exclude any motor vehicle having more than two axles, engaged in the transportation of persons or property in either private or for-hire carriage in interstate commerce in this state, or who purchases fuel without this state for consumption in this state in intra-state commerce. The term "motor carrier" shall include every common and contract carrier possessing authority as such from the Interstate Commerce Commission together with those engaged in transporting in interstate commerce in this state commodities not regulated by the Interstate Commerce Commission. The term "motor carrier" shall not mean or shall not include any person operating or causing to be operated a city bus except city buses operated across the border of the State of Kentucky.

(7) "City bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten miles of its limits over a regular route and exclusively within the boundaries of this state.

(8) "Heavy equipment motor carrier" means any person who operates on the public highways of this state a motor vehicle, including a trailer or semi-trailer, having more than two axles none of which are closer together than 42 inches.

(9) "Trip permit" means a permit for the operation during a ten consecutive day period of any motor vehicle, trailer or semi-trailer of not less than 27,001 pounds or having more than two axles of a motor carrier or heavy equipment motor carrier not licensed under KRS 138.665.

(10) "Licensee" means for purposes of KRS 138.655 through 138.725 any person who has been granted a license as a motor carrier or a heavy equipment motor carrier.

(11) "Use" means the consumption of gasoline and special fuels in propelling motor vehicles on the public highways.

(12) "Gasoline" means gasoline as defined in KRS 138.210 (4).

(13) "Special fuels" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline as defined in KRS 138.210 (4).

(14) "Quarterly" for the purposes of KRS 138.655 to 138.725 means a three-month period ending June 30 in the year 1956 and each succeeding three-month period thereafter.

Section 15. Section 138.660 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every motor carrier shall pay a tax of seven cents per gallon on the amount of gasoline and seven cents per gallon on the amount of special fuels used in operations on the public highways of this state.

(2) In addition to the tax imposed in subsection (1), if the motor carrier is a heavy equipment motor carrier as defined in KRS 138.655, he shall pay a surtax of two cents per gallon on the amount of gasoline and special fuels used in operations on the public highways of this state.

(3) The tax levied under subsections (1) and (2) of this section shall be computed and paid as provided in KRS 138.690.

(4) Two-sevenths of all amounts received by reason of the tax imposed on gasoline and special fuels by subsection (1) shall be set aside by the Department of Highways for construction, reconstruction and maintenance of the rural and secondary highways of this state and for no other purpose.

Section 16. Section 138.665 of the Kentucky Revised Statutes is amended to read as follows:

(1) A license shall be required of each motor carrier or heavy equipment motor carrier before he uses or continues to use gasoline or special fuels on the public highways of this state, except the department may issue a trip permit for each motor vehicle for a fee of ten dollars for each permit.

(2) Application for a license or trip permit shall be made to the department and shall contain such information as the department deems necessary.

(3) Concurrently with the filing of an application for a license, the motor carrier or heavy equipment motor carrier shall file with the department a bond as required under KRS 138.670. No license shall be issued to any person unless such person has furnished a bond as provided in KRS 138.670 to secure payment of taxes, penalties and interest imposed by KRS 138.655 to 138.725.

(4) The application in proper form having been accepted for filing, the bond having been accepted and approved and the other conditions and requirements of this section having been complied with, the department shall issue a license. However, if an application for a license is filed by any person whose license has at any time previously been revoked for cause by the department, or if the department is of the opinion that the person who makes the application as a subterfuge for the real party in interest whose license, prior to the time of filing the application, has been revoked for cause, or that the application is not for any other reason filed in good faith or is not

sufficient cause, the department may, after a hearing of which the applicant shall be given ten days' notice in writing and in which he shall have the right to appear in person or by counsel and present testimony, refuse to issue a license to that person.

(5) All licenses shall be valid and remain in full force and effect until suspended or revoked for cause or otherwise cancelled.

(6) A license shall not be assignable or transferable and shall be valid only for the person in whose name it is issued.

(7) The department shall keep and file all applications and bonds, with an alphabetical index thereof.

(8) Each holder of such license shall display such license number or other identification in the manner prescribed by the department.

Section 17. Section 138.680 of the Kentucky Revised Statutes is amended to read as follows:

Every licensee shall maintain complete records on all motor vehicles, by type, operating on Kentucky highways, weight and number of axles, mileage records, and records of all purchases, use, and other dispositions of gasoline and special fuels. Such records, together with manifests of lading, invoices and other papers pertaining to gasoline or special fuels consumption, shall be retained for a minimum period of two years; and if requested by the department shall be made available for examination by the department.

Section 18. Section 138.690 of the Kentucky Revised Statutes is amended to read as follows:

The tax imposed by subsection (1) and (2) of KRS 138.660 shall be determined as follows: The total number of gallons of gasoline and special fuels used during the taxable period in the licensee's operation on the public highways in Kentucky shall be multiplied by the tax rates.

Section 19. Section 138.695 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every licensee subject to the tax imposed by subsections (1) and (2) of KRS 138.660 shall be entitled to a credit for each quarterly period equivalent to seven cents per gallon on gasoline and seven cents per gallon on special fuels purchased by such licensee during such period for use in its operations on public highways within and without this state, provided such gasoline and special fuels were purchased in Kentucky during the same period and the tax imposed by KRS 138.220 and KRS 138.565 has been paid. Evidence of the payment of such tax in such form as may be required by or satisfactory to the department shall be furnished by each such licensee claiming the credit herein allowed.

(2) The department shall at the close of each quarterly period, ending September 30, December 31, March 31 and June 30, compute

all credits granted by the department during such quarter, which credits shall be applied only to taxes due on any report filed within the next consecutive two quarters, except that no credit shall operate to reduce the amount of surtax due under KRS 138.655 to 138.725.

Section 20. Section 138.705 of the Kentucky Revised Statutes is amended to read as follows:

(1) The department may audit the books and records of each licensee who has at any time since the last audit was made applied for a credit thereunder and make such other investigations as it deems necessary to determine whether the credits applied for constitute proper claims.

(2) If gasoline or special fuels taxes are erroneously credited, the department shall advise the licensee of the erroneous credit. If the licensee fails to reimburse the Commonwealth within fifteen days after the receipt of notice, an action may be instituted by the department in the Franklin Circuit Court and the department shall recover from the licensee the amount of the erroneous credit plus a penalty of twenty percent.

Section 21. Section 138.720 of the Kentucky Revised Statutes is amended to read as follows:

With respect to KRS 138.655 to 138.725, it is unlawful for any person to:

- (1) Fail to pay the tax imposed;
- (2) Fail, neglect, or refuse to file any return in the manner or within the time required;
- (3) Make any false statement or conceal any material fact in any record, return, or affidavit;
- (4) Conduct any activities requiring a license without such license or after such license has been surrendered, cancelled or revoked;
- (5) Assign or attempt to assign a license; or
- (6) Violate any other provisions.

Section 22. Section 138.725 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Revenue shall administer the provisions of KRS 138.655 to 138.725 and 138.990, and may prescribe, adopt and enforce regulations relating to the administration and enforcement thereof.

(2) The Department of Revenue shall, upon the request of the officials to whom are entrusted the enforcement of the gasoline and special fuels tax law of any other state, the United States, or the provinces of the Dominion of Canada, forward to such officials any information which it shall have relative to the receipt, sale, use, transportation, shipment or delivery by any person of gasoline and special fuels

provided such state or states makes provision in its law for the furnishing of like information to this state.

Section 23. Section 138.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 138.020 to 138.070 shall be fined not more than five hundred dollars for each offense, and his license, if one is required, may be revoked at the discretion of the court.

(2) Any person who violates any of the provisions of KRS 138.080 shall be guilty of a felony and shall be fined not more than one thousand dollars or imprisoned for not more than five years, or both.

(3) Any person who violates any of the provisions of KRS 138.100 or 138.110 shall be fined not less than fifty dollars nor more than five hundred dollars.

(4) Any person who violates any provision of KRS 138.140 to 138.200 for which a specific penalty is not provided, or who violates any reasonable rule or regulation promulgated by the Department of Revenue under KRS 138.140 to 138.200, shall be fined not less than twenty-five dollars nor more than five hundred dollars for the first offense; for each subsequent offense he shall be fined not less than fifty dollars nor more than one thousand dollars and, if the offender is an individual, may be confined in the county jail for not more than six months, or both so fined and imprisoned. These fines shall be in addition to the civil penalties provided by KRS 138.170.

(5) Any person who violates any of the provisions of KRS 138.180 shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not less than one nor more than five years, or both.

(6) Any person who violates any of the provisions of KRS 138.200 shall be fined not more than one thousand dollars, and if the offender is an individual he may be confined in the county jail for not more than six months, or both so fined and imprisoned. These fines shall be in addition to the civil penalties provided by KRS 138.170.

(7) Any person who fails to remit gasoline tax money to the state as provided in KRS 138.280 is guilty of embezzlement of state funds, and shall be fined not more than one thousand dollars or imprisoned in the county jail for not more than six months, or both. Upon conviction of a second offense he shall be imprisoned for not less than one year nor more than five years in the state penitentiary.

(8) Any person who violates any of the provisions of KRS 138.300 shall be fined not less than twenty-five dollars, nor more than one thousand dollars, or imprisoned in the county jail for not more than six months, or both. This penalty shall be in addition to the penalty provided in subsection (7) of this section.

(9) Any person who violates KRS 138.310 shall be fined not less than one hundred dollars nor more than one thousand dollars, or im-

prisoned in the county jail for not less than thirty days nor more than one year, or both. Each day or part of day of doing business as a dealer without an uncanceled license shall be a separate offense.

(10) Any person who violates any of the provisions of KRS 138.460 or 138.470 shall be fined not less than twenty-five dollars nor more than one thousand dollars. If the offender is an individual, he may be imprisoned in the county jail for not more than six months, or both so fined and imprisoned.

(11) Any person who violates any of the provisions of KRS 138.480 or 138.490 shall be fined not more than one thousand dollars or imprisoned in the county jail for not more than thirty days, or both.

(12) If any offender under the provisions of subsections (2), (7), (8), (9) or (11) of this section is a corporation, the principal officer or the officer directly responsible for the violation, or both, may be imprisoned as provided in those subsections.

(13) Any person who violates any provision of subsection (1) of KRS 138.354, whether or not his permit has been revoked by the Kentucky Tax Commission, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

(14) Any person, other than the holder of a refund permit, who shall knowingly violate any provision of KRS 138.343 to 138.357, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

(15) Any person who makes a false or fraudulent statement in an application made pursuant to KRS 138.342 for a refund of taxes provided by KRS 138.341 or who fraudulently obtains such a refund or who knowingly aids or assists in making such a false or fraudulent statement or claim for refund, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

(16) Any person violating any provision of KRS 138.630 shall be fined not more than one thousand dollars or imprisoned in the county jail for more than six months, or both. Upon conviction of a second offense, he shall be imprisoned for not less than one year nor more than five years in the state penitentiary.

(17) Any person violating any provision of KRS 138.655 to KRS 138.725 is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than \$19 nor more than \$500 or by imprisonment in the county jail for not less than thirty days nor more than six months or by both such fine and imprisonment.

(18) In addition to the penalties provided in KRS 138.990 (17), the motor vehicle or vehicles of any person violating any provisions

of KRS 138.720 shall be subject to seizure by any officer duly authorized to enforce the provisions of KRS 138.655 to 138.725.

Section 24. Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) The annual registration fee for motor vehicles, including taxicabs, primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be be \$4.50.

(2) The annual registration fee for each motorcycle shall be \$2.00, and for each sidecar attachment, \$1.00.

(3) All motor vehicles except those mentioned in subsections (1) and (2), and those engaged in hauling passengers for hire, operating under certificates of convenience and necessity, are classified as trucks or busses, and the annual registration fee, except as provided in subsections (4) through (8), shall be as follows:

Declared Gross Weight	Registration Fee
0— 5000 -----	\$ 10.00
5001— 8000 -----	22.00
8001—10000 -----	25.00
10001—12000 -----	29.00
12001—14000 -----	32.00
14001—16000 -----	36.00
16001—18000 -----	40.00
18001—21000 -----	45.00
21001—24000 -----	50.00
24001—27000 -----	59.00
27001—30000 -----	71.00
30001—33000 -----	85.00
33001—36000 -----	101.00
36001—39000 -----	123.00
39001—42000 -----	150.00
42001 or over -----	250.00

The registration fee shall be increased fifty percent on any motor vehicle not equipped wholly with pneumatic tires.

(4) Application for registration for motor vehicles in the weight classification in paragraph (3) may be required by regulation to be submitted to the department and the application shall contain the information required by the department. The department shall certify the application to the owner for registration in the proper weight class to be determined by the information in the application for registration. Upon presentation of the certified application by the owner to the appropriate county clerk, the clerk shall issue a license for the motor vehicle in the weight class certified by the department and collect the proper registration fee.

(5) Any farmer owning a truck having a gross weight of 22,000 pounds or less may have it registered as a farmer's truck and obtain a license for \$4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 22,000 pounds or less, that he has caused to be printed upon each side of the bed of the truck the words "Farmer's Truck" in conspicuous letters not less than three inches in height, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and the products grown on his farm.

(6) Any person owning a truck or bus used solely in transporting school children and school employes may have the truck or bus registered as a school bus and obtain a license for \$4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the bed of the truck or bus and on the rear door or part of the bed the words "School Bus" in letters at least six inches high and of a conspicuous color and that the truck or bus will be used during the next twelve months only for the purpose stated.

(7) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for \$4.50 by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve months the truck or bus will be used only for the purpose stated.

(8) Any person owning a truck on which an outfit for drilling water wells has been mounted and bolted to the chassis may register the truck and obtain a license for \$4.50 by filing with the county clerk, in addition to other information required, an affidavit that an outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck, and that during the next twelve months the truck will be used only for the transportation of the well drilling outfit.

(9) Any person owning a motor vehicle on which a wrecking crane and other equipment suitable for an automobile wrecker service has been permanently mounted may register the vehicle and obtain a license for \$9.50 by filing with the county clerk, in addition to other information required, an affidavit that a wrecking crane and other equipment suitable for an automobile wrecker service has been per-

manently mounted on such vehicle and that during the next twelve months the vehicle will be used only in automobile wrecker service.

Section 25. Section 186.055 of the Kentucky Revised Statutes is amended to read as follows:

(1) All motor vehicles registered under subsection (3) of KRS 186.050, except motor vehicles taxed under KRS 281.810 wherein the gross weight exceeds 18,000 pounds, shall pay an additional fee as follows:

Declared	
Gross Weight	Weight Fee
18,001—21,000 -----	\$ 67.00
21,001—24,000 -----	84.00
24,001—27,000 -----	97.00
27,001—30,000 -----	113.00
30,001—33,000 -----	130.00
33,001—36,000 -----	148.00
36,001—39,000 -----	170.00
39,001 or over -----	300.00

(2) The clerk shall issue a weight plate furnished by the department and shall be paid for this service the sum of twenty-five cents.

(3) The clerk shall not register any common or contract carrier motor vehicle transporting property for hire until the owner has exhibited to the clerk a receipt from the Department of Motor Transportation showing that the weight tax has been paid as provided for under KRS 281.810.

(4) Motor vehicles registered under subsection (3) of KRS 186.050 or duly registered under the laws of any other state, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten miles of the limits of the city if it is a city of the first, second, third or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, shall not be required to pay the fee as set out in this section. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provision of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming exemption of payment of the fee, the owner shall file with the county clerk in addition to any other information that may be required an affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of the city and the area above set out during the current registration period, and that there has been printed conspicuously on each side of

the vehicle in letters of distinctive color at least three inches in height the name of the owner and words "Urban Limits."

Section 26. Section 186.655 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before any owner or operator of a trailer, semi-trailer or house-trailer, other than trailers or semi-trailers which may be registered under the provisions of Chapter 281 of the Kentucky Revised Statutes may operate or permit the operation of such vehicles upon the highways, the owner shall apply for registration to the county clerk of the county in which he resides or in which such vehicles are principally operated. The application shall be retained by the clerk and shall be accompanied by:

(a) A bill of sale, if the application is for the registration of a new trailer, semi-trailer or house-trailer; or

(b) The owner's registration receipt, if the trailer, semi-trailer or house-trailer was last registered in this state; or

(c) A bill of sale and the previous registration receipt, if last registered in another state where the law of such state does not require the owner of a trailer, semi-trailer or house-trailer to obtain a certificate of title or ownership; or

(d) A certificate of title, if last registered in another state where the law of such state requires the owner of a trailer, semi-trailer or house-trailer to obtain a certificate of title or ownership; or

(e) Affidavit from the owner of a trailer, semi-trailer or house-trailer assembled or constructed for his personal use on the highways; or

(f) Affidavit from the owner of a trailer, semi-trailer or house-trailer where the bill of sale for such vehicle has been lost, destroyed or stolen.

(2) The affidavit required in paragraph (e) shall contain the owner's name, address, date, brief description and a statement that the trailer was constructed by the owner for use on the highways and any additional information that the department may from time to time prescribe by regulation.

(3) The affidavit required in paragraph (f) shall contain the owner's name, address, date, make, year made, serial or identification number, from whom purchased, date of purchase, that the person making the affidavit is the sole owner, the circumstances under which the bill of sale was lost, destroyed or stolen, and any additional information that the department may from time to time prescribe by regulation.

After that, he shall register his trailer, semi-trailer or house-trailer on or before March 1 of each year. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the department.

Section 27. Section 186.675 of the Kentucky Revised Statutes is amended to read as follows:

The annual registration fee for trailers and semi-trailers which are drawn by motor vehicles required to be licensed under KRS 186.050 (1) shall be \$4.50. The annual registration fee for trailers and semi-trailers which are drawn by motor vehicles required to be licensed under KRS 186.050 (3) shall be \$19.50. The provisions of KRS 186.650 to 186.700 shall not apply to privately owned and operated trailers used for the transportation of boats, luggage, personal effects, farm products, farm supplies or farm equipment. The registration fee for house-trailers shall be \$9.50. The clerk shall issue the registration plate furnished by the department and shall be paid for this service the sum of fifty cents.

Section 28. Section 186.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who violates any of the provisions of KRS 186.020 to 186.080, 186.110, 186.130 to 186.180, 186.210, 186.230, 186.250 or 186.655 to 186.680 shall be fined not less than ten nor more than one hundred dollars for each offense.

(2) Any person who violates KRS 186.090 shall be fined not less than fifty nor more than two hundred dollars for each day he operates without the required license.

(3) Any person who violates KRS 186.100 shall be fined not less than twenty-five nor more than one hundred dollars for each offense.

(4) Any person who violates any of the provisions of KRS 186.190, 186.200 or 186.220 shall be fined not less than ten dollars nor more than two thousand dollars or imprisoned for not more than one year, or both.

(5) Unless another penalty is provided by law, any person who violates any of the provisions of KRS 186.400 to 186.640 shall be fined not less than two dollars nor more than five hundred dollars or imprisoned for not more than six months, or both.

(6) Any clerk or judge failing to comply with subsection (1) of KRS 186.550 shall be subject to a penalty of one hundred dollars which shall accrue to the state and may be recovered with the costs of the suit in a civil action brought by the department.

(7) If it appears to the satisfaction of the trial court that any offender under KRS 186.400 to 186.640 has a driver's license but in good faith failed to have same on his or her person or misplaced or lost same, the court may, in its discretion, dismiss the charges against the defendant without fine, imprisonment or cost.

(8) Any person who steals a motor vehicle registration plate shall be guilty of a felony and shall be confined in the penitentiary for not less than one nor more than five years. Displaying a cancelled registration plate on a motor vehicle shall be prima facie evidence of guilt under this section.

Section 29. Section 189.222 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Highways, in respect to highways which are a part of the state-maintained system, by official order, may increase on designated highways or portions thereof, the maximum height, length and gross weight prescribed in KRS 189.221, if in the opinion of said commissioner, the increased height, length and weight designated by him are justified by the strength, safety and durability of the designated highways, and said highways do not appear susceptible to unreasonable and unusual damage by reason of such increases; and said commissioner is authorized to establish reasonable classifications of such roads and to fix a different maximum for each classification. However, in no event shall any motor truck or tractor semi-trailer combination, including any part of the body or load, exceed the following dimensions and weights:

- (1) Height, 13½ feet.
- (2) Length, truck tractors and semi-trailers, 50 feet; motor trucks, 35 feet.
- (3) Weight, 18,000 pounds per single axle, with axles less than 42 inches apart to be considered as a single axle; 32,000 pounds on two axles in tandem arrangement which are spaced 42 inches or more apart and less than 120 inches apart; 600 pounds per inch of aggregate width of all tires; gross weight, 59,640 pounds.
- (4) A tolerance of not more than five percent per axle load shall be permitted before a carrier is deemed to have violated subsection (3) of this section. In no event shall the gross weight exceed 59,640 pounds.

Section 30. Section 281.751 of the Kentucky Revised Statutes is amended to read as follows:

The department shall charge a fee of twenty dollars each for the issuance of plates, decals, signs or papers as may be necessary for the registration of trailers or semi-trailers which are operated by carriers or motor carriers under the jurisdiction of the department; provided, however, that the provisions of this section shall not be applicable with respect to:

- (1) Trailers or semi-trailers operated in interstate commerce in this state by carriers or motor carriers domiciled in a state other than this state when used in combination with power units licensed in a state other than this state, said power units being lawfully entitled to reciprocal privileges in this state under the circumstances being operated; or
- (2) Trailers or semi-trailers operated in interstate commerce in this state by carriers or motor carriers domiciled in a state other than this state when used in combination with power units licensed in a state other than this state, said power units not being lawfully entitled to reciprocal privileges in this state under the circumstances being

operated if said power units are at the time properly licensed in this state or are operated under a lawful exemption from the requirements of licensing in this state; or

(3) Trailers or semi-trailers operated in interstate commerce in this state on a lawful interchange basis by carriers or motor carriers domiciled in this state.

Section 31. Section 138.600 of the Kentucky Revised Statutes is hereby repealed.

Section 32. There is hereby appropriated to the Department of Revenue from the Road Fund for the purpose of administration of this Act the sum of \$150,000 for the fiscal year 1958-1959 and \$150,000 for the fiscal year 1959-1960.

Section 33. Sections 1 through 23 and Sections 29 and 31 of this Act shall become effective July 1, 1958. Sections 24 through 28 and Section 30 of this Act shall become effective January 1, 1959.

Calendar

SB 357, SB 288, SB 358, SB 356, SB 250, SB 328, SB 342, SB 344, SB 350, SB 355, SB 340, SB 135, HB 601, HB 567, HB 510, HB 319, HB 476, HB 550 were taken from the Calendar and ordered read at length for the second time. Senator Bassett moved that they be read by title only. Agreed by a majority of the members elected. Ordered placed in the Orders of the Day.

Orders of the Day

SB 317 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 317**. Agreed.

On roll call, the vote was: Yeas, 24—Anggelis, Bassett, Blake, Bonn, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Fields, Greene, Hamilton, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, McCann, Overbey, Richmond, Robinson, Van Hoose, Warinner; Nays, 12—Blue, Clay, Duffy, Francis, Freeman, Hickerson, Kidwell, Melton, Miller, Reuscher, Ware, Willis.

SB 317 was passed and the title agreed to.

Senator Knuckles moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 351 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Warinner moved that the Committee Amendment to **SB 351** be adopted.

Amend printed copy of **SB 351** on page 8, section 5, line 21 by inserting after said line 21 the following new Subsection:

“(4) as soon as practical and not later than one week after the time for making applications for absentee ballots has expired, the county clerk shall cause the names and addresses of all persons for whom absentee ballot applications have been issued to be published at least once in every newspaper having a general bona fide circulation in the county.”

Adopted by voice vote.

Senator Warinner moved the Previous Question on **SB 351** as amended. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Knuckles, Lucas, McCann, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Warinner; Nays, 0.

SB 351 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 348 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved the Previous Question on **SB 348**. Agreed.

On roll call, the vote was: Yeas, 36—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 348 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SR 68 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bonn moved the Previous Question on **SR 68**. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Knuckles, Lucas, McCann, Melton, Miller,

Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SR 68 was passed and the title agreed to.

SR 69 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bonn moved the Previous Question on **SR 69**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Ware, Warinner, Willis, Young; Nays, 0.

SR 69 was passed and the title agreed to.

Senator Bonn moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 302 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Hamilton proposed an Amendment to **SB 302**.

Amend printed copy of **SB 302** on page 1, lines 3 and 4 by inserting the words, "limited access streets and" before the word "highway"; and by striking the words "forming the federal interstate system."

Senator Hamilton moved the adoption of said amendment. Adopted by voice vote.

Senator Hamilton moved the Previous Question on **SB 302** as amended. Agreed.

On roll call, the vote was: Yeas, 23—Anggelis, Bassett, Blake, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Greene, Hamilton, Hickerson, Howell, Jackson, Knuckles, Lucas, Overbey, Richmond, Robinson, Van Hoose, Warinner; Nays, 11—Blue, Francis, Freeman, Kidwell, McCann, Melton, Miller, Reuscher, Ware, Willis, Young.

SB 302 was passed and the title agreed to.

Senator Hamilton moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 336 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Van Hoose moved the Previous Question on **SB 336**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Knuckles, Lucas, McCann, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Warinner, Willis; Nays, 0.

SB 336 was passed and the title agreed to.

Senator Van Hoose moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

House Message

Announcing passage of **HB 295**, **HB 626**, **HR 16**, **HR 17**, **HR 126**. Ordered that said bills and resolutions be referred.

SB 204 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that Committee Amendment No. 1 to **SB 204** be adopted.

Amend printed copy of **SB 204** on page 5, section 7, lines 8 and 9 by deleting the following phrase: "approved by the Commissioner for the purpose of submitting such lists"

Adopted by voice vote.

Senator Bassett moved that Committee Amendment No. 2 to **SB 204** be adopted.

Amend printed copy of **SB 204** on page 5, section 7, lines 12, 13 and 14 by deleting the following words: "and by such other tobacco auction warehouse organizations approved by the Commissioner for the purpose of submitting such lists"

Adopted by voice vote.

Senator Bassett moved that Committee Amendment No. 3 to **SB 204** be adopted.

Amend printed copy of **SB 204** on pages 5 and 6, section 7, lines 18 to 26 by deleting the following words: "approved by the Commissioner for the purpose of submitting such lists. Before approving any such other organizations for the purpose of submitting lists, the Commissioner must determine, after notice and hearing, that such organization fairly represents a substantial portion of the tobacco producers, tobacco auction warehouses, or loose leaf tobacco buyers, as the case may be, in this Commonwealth. All lists so submitted shall contain at least three names."

Adopted by voice vote.

Senator Bassett moved that Committee Amendment No. 4 to **SB 204** be adopted.

Amend printed copy of **SB 204** on pages 1 and 2, section 1, lines 6 through 18 by deleting said lines 6 through 18 and inserting in lieu thereof:

“(2) Each warehouse shall pay to the department an annual license fee of twenty-five dollars. A license fee shall be paid on each warehouse building operated as a place of sale for tobacco, regardless of the number of such buildings owned by any individual, corporation, firm or other type of management organization. It shall be paid on July 1 of each year.

(3) The amount of the license fees collected by the department shall be paid into the State Treasury to the credit of a revolving account to be used in the administration of this section.

Adopted by voice vote.

Senator Howard proposed Amendment No. 5 to **SB 204**.

Amend printed copy of **SB 204** on pages 6 and 7, Section 8, by striking all of Section eight.

Senator Howard moved the adoption of said amendment.

Motion lost by voice vote.

Senator Bassett moved the Previous Question on **SB 204** as amended. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 204 was passed and the title agreed to.

Senator Bassett moved the the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 196 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bonn moved that **SB 196** be tabled, and Senators Bonn and Freeman demanding a roll call, it was so ordered.

On roll call, the vote was: Yeas, 13—Blue, Bonn, Clay, Duffy, Francis, Freeman, Hickerson, McCann, Melton, Reuscher, Ware, Willis, Young; Nays, 12—Byers, Cornett, C. H. Davis, Mrs. J. Harry Davis, Duncan, Greene, Knuckles, Lucas, Miller, Robinson, Van Hoose, Warinner.

The motion did not pass.

Senator Miller moved the Previous Question on **SB 196**. Agreed.

On roll call, the vote was: Yeas, 10—Byers, Cornett, C. H. Davis, Duncan, Howell, Knuckles, Lucas, Miller, Van Hoose, Warinner; Nays, 19—Anggelis, Bassett, Blue, Bonn, Clay, Duffy, Fields, Francis, Free-

man, Hamilton, Hickerson, Kelly, Kidwell, McCann, Melton, Overbey, Reuscher, Ware, Young.

SB 196 did not pass.

Senator Bonn moved that the vote by which said bill failed to pass be reconsidered and said motion be laid on the table. Agreed.

SR 15 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that Committee Amendment No. 1 to **SR 15** be adopted.

Amend printed copy of **SR 15** on page 2, section 3, line 1 by deleting Section 3 in its entirety.

Adopted by voice vote.

Senator Ware proposed Amendment No. 2 to **SR 15**.

Amend printed copy of **SR 15** on page 1, section 1, line 1 by striking the words "Legislative Research Commission" and inserting in lieu thereof the words "Department of Education" and on page 2, section 2, lines 1 and 2 by striking the words "Legislative Research Commission" and inserting in lieu thereof the words "Department of Education."

Senator Ware moved the adoption of said amendment. Motion lost by voice vote.

Senator Bassett moved that **SR 15** as amended be adopted by voice vote. Agreed, and said resolution so adopted.

SR 38 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Warinner proposed Amendment No. 1 to **SR 38**.

Amend printed copy of **SR 38** on page 1, by deleting the word "concurrent" in the title and inserting in lieu thereof the word "Senate"

Senator Warinner moved the adoption of said amendment. Adopted by voice vote.

Senator Warinner proposed Amendment No. 2 to **SR 38**.

Amend printed copy of **SR 38** on page 2, by deleting in the resolving clause the words "the House of Representatives concurring therein"

Senator Warinner moved the adoption of said amendment. Adopted by voice vote.

Senator Warinner moved that **SR 38** as amended be adopted by voice vote. Agreed, and said resolution so adopted.

Recess

Senator Bassett moved that the Senate recess for twenty minutes. Agreed. At the appointed hour, the President of the Senate called the Senate to order.

Orders of the Day

HB 475 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Francis moved the Previous Question on **HB 475**. Agreed by voice vote.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Young; Nays, 0.

HB 475 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed by voice vote.

HB 160 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Fields moved the Previous Question on **HB 160**. Agreed.

On roll call, the vote was: Yeas, 30—Anggelis, Bassett, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, McCann, Melton, Reuscher, Richmond, Van Hoose, Warinner, Willis, Young; Nays, 0.

HB 160 was passed and the title agreed to.

Senator Fields moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed by voice vote.

Report of Committees

Senator Bassett moved to suspend the Rules for the purpose of making a Committee Report. Agreed.

The Rules Committee reported **HB 36, HB 38, HB 171, HB 194, HB 295, HB 321, HR 36, HR 126, HB 443, HB 626, HR 18, HR 17, HR 16, HR 15, HR 89, HR 90, HR 117** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the calender.

HB 36: AN ACT relating to attachment and garnishment.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 425.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person in whose favor a final judgment in personam has been entered in any court of record in this state may, upon filing an affidavit in the office of the clerk of the Court in which the judgment was entered showing the date of the judgment and the amount due thereon, and expressing the belief that one or more named persons hold property belonging to, or are indebted to, the judgment debtor, obtain an order of garnishment directed to the sheriff, with as many copies as the plaintiff may direct, requiring him to summon the garnishees name in the affidavit to answer in the manner and at the time required for an answer by the Rules of Civil Procedure and to make due return thereof. The order shall be made returnable as an order of arrest is directed to be returned.

(2) The judgment plaintiff shall not be required to execute bond to obtain the order.

(3) The order of garnishment shall be served on the persons named as garnishees in the manner provided in subsection (3) of KRS 425.225, and in addition a copy thereof shall be served on the judgment debtor.

(4) The judgment debtor may, on the return day, appear and claim the exemption of any property or debt that is exempt from execution, and on proof of exemption the garnishment shall be discharged as to the exempt property or debt.

(5) If the court finds that the garnishee was, at the time of service of the order upon him, possessed of any property of the judgment debtor or was indebted to him, and the property or debt is not exempt from execution, the court shall order the property or the proceeds of the debt applied upon the judgment.

(6) Where the garnishee is also the employer of the judgment debtor, the court may, in addition to ordering present indebtedness applied upon the judgment stipulate that the order of garnishment shall remain in force as to all future indebtedness for ninety days.

(7) Subsequent orders of garnishment against the same or other garnishees may be issued in the same manner for ninety days.

(8) The provisions of KRS 425.215 to 425.520 and KRS Chapter 427 shall, as far as applicable, govern proceedings under the order.

HB 38: AN ACT relating to absent voting.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act:

(1) "Mail" means the delivery to a mail carrier or the deposit in a letter box or post office of a letter, with postage prepaid.

(2) "Abroad" means outside of the continental limits of the United States of America.

Section 2. Section 126.150 of the Kentucky Revised Statutes is amended to read as follows:

Any absent voter may, at any time not less than fifteen days before an election, make an application in writing and by mail, on the form prescribed in KRS 126.160 or on form 76 issued under 5 USCA 2184, to the clerk of the county court of the county of his residence, for an absent voter's ballot.

Section 3. (1) On the 14th day prior to the election and beginning at 2:00 p.m., the County Board of Election Commissioners and the County Clerk, together with interested candidates or their representatives, and representatives of news media, shall examine all applications for an absent voter's ballot for the purpose of determining the voter's right to make application, as well as the validity of the form and method of submitting the application itself. The County Clerk shall have the registration records at the meeting. The County Clerk shall read the name of each applicant aloud, and the applicant and his application may be challenged by anyone present. The Board shall determine whether or not each application shall be accepted or rejected. If the application is rejected it shall be so marked and the voter notified of this fact and the reasons therefor. No ballot shall be sent in response to a rejected application nor prior to the examination provided for in this section.

(2) The provisions of subsection (1) of this section shall not apply to applications submitted by members of the Armed Forces, their spouses and dependents stationed abroad; members of the Merchant Marine, their spouses and dependents stationed abroad; civilian employees of the United States Government, their spouses and dependents stationed abroad; and members of religious groups and welfare organizations attached to and serving in the Armed Forces, their spouses and dependents stationed abroad.

(3) The county clerk shall, however, retain the envelope or post card used by any applicant enumerated in subsection (2) of this section, for inspection and examination.

Section 4. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

Applications for absent voter's ballots shall be signed and sworn to by the absent voter before a civil officer authorized by law to administer an oath, provided neither the officer nor his deputy is a candidate to be voted for at the election. Except as provided in Section 2 of this Act, the application shall be substantially in the following form:

"County Court Clerk of _____ County,
_____, Kentucky.

"I, _____, state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of _____, County and have been such for more than six months prior to said date and expect to be absent therefrom in the course of my business or duties at the election to be held on the _____ day of _____, 19____, and will not vote elsewhere at said election, and am a resident of _____precinct of said county (or_____Ward of the city of _____, county of _____), and have been such for at least sixty days prior to said date; that I reside at _____, (house number and street address, if in city, or county road and nearest neighbor, if in county) that I will be at least eighteen years of age by the day of the next election, and that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the _____ political party; I request that an official ballot be mailed to me at the following address:

(Name and address)

(Rank and Unit if member of Armed Forces)

(Department of United States Government if an employe
or the wife of an employe stationed abroad)

(Voter must sign here, and oath must be administered
and attested).

"Subscribed and sworn to before me this _____ day of
_____, 19____.

(Name and Official Title)"

Section 5. Section 126.170 of the Kentucky Revised Statutes is amended to read as follows:

(2) Upon receipt of any application for an absent voter's ballot, the county court clerk shall examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds that the applicant is so registered, he shall forward a ballot to the voter as provided in KRS 126.190, subject to the provisions of Section 3 of this Act. If the county clerk does not find the applicant to be so registered, and if the application does not indicate that the applicant is a member of the Armed Forces, his spouse, or dependent stationed away from his legal residence; or a member of the Merchant Marine, his spouse or dependent stationed away from his legal residence; or a civilian employe of the United States Government, his spouse or de-

pendent stationed abroad or in the District of Columbia; or a member of a religious group or welfare organization attached to and serving in the Armed Forces, his spouse or dependent who must remain away from his legal residence, the clerk shall immediately mail a letter to the applicant, at the address stated in the application, advising him that his application cannot be honored because of the fact that he is not registered, and advising him what period of time, if any, remains in which he may register prior to such election, and the clerk shall place the application in a file entitled "Nonregistered Applicants for Absent Voters' Ballots." If the clerk thereafter, and prior to the election, receives notice from the applicant advising the clerk that the applicant has registered, the clerk shall again examine the registration books, and if he finds that the applicant has registered he shall remove the application from the nonregistered applicants' file and forward a ballot as provided in KRS 126.190, subject to the provisions of Section 3 of this Act. Any applications not so removed from the nonregistered applicants' file shall be retained in such file until thirty days after the election, when they shall be burned by the clerk in the presence of the judge and sheriff of the county. If the application of a person found not to be registered indicates that the applicant is a member of the Armed Forces, his spouse, or dependent stationed away from his legal residence, or a member of the Merchant Marine, his spouse, or dependent stationed away from his legal residence; or civilian employe of the United States Government, his spouse or dependent stationed abroad or in the District of Columbia; or a member of a religious group or welfare organization, attached to and serving in the Armed Forces, his spouse or dependent who must remain away from his legal residence, the county court clerk, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered in the registration records of the proper precinct, and shall mark upon such registration records the words "Absentee Registration." Such registration may be made at any time prior to the election for which an absent voter's ballot is applied for.

(2) Any person who has been registered under the provisions of subsection (1) of this section shall be required to reregister in person upon his first return to the county of his residence at a time when the books are open.

(3) The oath required of a member of the Armed Forces shall be taken as specified in KRS 384.080 and the oath required of a civilian employe of the United States Government or his wife stationed abroad may be taken by the persons mentioned in KRS 382.150. The seal of such officer must be attached to all oaths required under this section.

Section 6. Section 126.210 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voter's ballots, for

all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter -----

Residence (street and number, if any) -----

County of -----

City or town of -----

On the other side of such envelope shall be printed the following oath:

"I do hereby swear (or affirm) that I am a citizen of the United States and am now of the age of at least eighteen years or will be on the day of the election to be held on the ----- day of -----, 19-----, (here insert the day of the election,) that I will have been a resident of the State of Kentucky for at least one year next preceding such election, and a resident of the County of -----, for more than six months preceding such election, and a resident of ----- precinct of said county (or ----- ward of the city of -----, County of -----) at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am affiliated with the ----- political party; that in the course of my business or duties I expect to be absent from said precinct or ward at the time of said election.

(Voter must sign here, and oath must
be administered and attested.)

"Subscribed and sworn to before me this-----day of-----,

(Official Title)

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

Section 7. Section 126.230 of the Kentucky Revised Statutes is amended to read as follows:

When the absent voter receives the ballot and the two envelopes, he shall go before some civil officer authorized by law to administer an oath, provided neither the officer nor his deputy is a candidate to be voted for at the election, and before him make and subscribe to the affidavit on the face of the envelope and shall, in the presence of such officer and no one else, mark the ballot so as to indicate the way he desires to vote, but in such manner as to prevent the officer from knowing how the ballot is marked or how he has voted. He shall then, and while in the presence of the officer, fold the ballot in such way as to conceal the markings made thereon by him, and after the ballot has

been so folded, he shall enclose it in the inner envelope; then seal said envelope and then enclose it in the outer envelope; then seal and write his name across the face of the outer envelope, and at once mail it to the county court clerk.

HB 171: AN ACT relating to the practice of optometry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 320.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) All optometrists desiring to continue practice shall annually, prior to March 1, secure from the secretary-treasurer of the board a renewal certificate upon the payment of a fee of not more than thirty dollars. Not later than February 15th of each year the secretary-treasurer shall notify by mail, all optometrists of the renewal date and fee. Application for a renewal shall be upon such form as is prescribed by the board and the optometrist shall furnish the information required by such form.

(2) Failure of any optometrist to secure his renewal certificate within sixty days after March 1, shall constitute sufficient cause for the board to revoke his license.

HB 194: AN ACT relating to fees and compensation to be received by the Clerk of the Court of Appeals and the Clerks of Circuit Courts and County Courts; amending Section 64.010 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 64.010 of the Kentucky Revised Statutes is amended to read as follows:

The clerk of the Court of Appeals and the clerks of circuit courts and county courts, as far as the same will apply, shall receive for the following services the following fees:

Issuing summons -----	\$0.70
Each copy thereof -----	.40
Entering return thereon -----	.40
Issuing order of attachment -----	.70
Each copy thereof -----	.40
Entering return thereon -----	.40
Issuing order of injunction -----	.70
Each copy thereof -----	.40
Entering return thereon -----	.40
Issuing subpoena -----	.70

(All of the witnesses living in the same county ordered to be summoned at the same time shall be included in one subpoena, and the fee therefor shall not be increased.)

Issuing attachment for a witness -----	\$.70
Issuing order of arrest -----	.70
Each copy thereof -----	.40
Entering return thereon -----	.40
Issuing order of delivery -----	.70
Each copy thereof -----	.40
Entering return thereon -----	.40
Issuing each writ of possession -----	2.00
Docketing an action, motion or proceeding -----	.25
Order assigning cases to a division of court -----	.50
Warning order by clerk -----	.70
Order of clerk appointing warning order attorney -----	.70
Issuing a rule -----	.70
Each copy thereof -----	.40
Filing a return on rule -----	.40
Endorsing each step taken in an action on a "step sheet" or envelope in the file or on the rule docket -----	.25
Filing a pleading -----	.40
Filing each exhibit or other paper not a pleading -----	.30
Swearing, entering attendance and issuing certificates of at- tendance of witnesses, each witness -----	.50
Each commission to take deposition -----	1.50
Filing a deposition, to be charged but once in each case, and all those contained in one envelope to be counted as one ----	.40
Taking a recognizance of a party or witness -----	.50
Entering or noting of record in order book each order or di- rection of the court, an order filing any pleading or other paper, each motion, demurrer, disposition thereof or rul- ing of the court or any other step taken, each -----	.50
Copy thereof -----	.50
Attendance in court, other than circuit court, upon each trial of an action, to be charged to each party for each trial ----	1.50
Attending by himself or by deputy and keeping order in the circuit court, to be paid out of the State Treasury, for each day -----	6.00
Swearing a jury -----	.75
Entering a judgment (other than equity action) -----	1.25
Each copy thereof -----	.75
Entering or recording a judgment in an equity action, for every ten words -----	.03
Taxation of costs of each party, to be charged to such party ----	.75
Each copy of a taxation of costs of each party, if called for ----	.50
Filing copy of costs taxed in the case file -----	.40
Issuing an execution, with all endorsements thereon -----	1.50
Each copy of an execution with all endorsements thereon ----	1.00
Recording an execution with endorsements, returns and all papers therewith, when real estate is sold, each ten words --	.03

Copying a record for Court of Appeals or other purpose, each ten words -----	.03
Issuing a supersedeas -----	1.00
Each copy thereof -----	.40
Entering return thereon -----	.40
Filing each transcript on appeal -----	.40
Entering satisfaction, release, or discharge of a judgment in whole or in part in court or on an order book, to be paid by the party procuring the same -----	.75
Copying a pleading or other paper, each ten words -----	.03
Indexing in Plaintiff's and Defendant's General Index to suits, each name of parties to an action, to be charged for each listing and once in each case -----	.30
Indexing in Defendant's Index of Executions of each name of parties to such execution, to be charged for each listing and for each execution issued -----	.30
Indexing in Plaintiff's and Defendant's index of Judgments of each name of parties to a judgment, to be charged for each listing and for each judgment -----	.30
Each order made by the clerk in vacation or made by the clerk when the court is not in vacation -----	.70
Each order in the county court -----	.60
Each copy thereof when ordered -----	.40
Probate of a will and certificate, including all services rela- ting thereto -----	1.50
Order granting an administration, or appointing appraisers of estate of any fiduciary -----	.75
Taking a bond for any fiduciary -----	1.50
Certificate of administration or copy of it -----	.75
Issuing a writ of idiocy or lunacy -----	1.00
Recording each inquisition under same -----	1.00
Each copy of such inquisition when ordered -----	1.00
Recording deed of trust or assignment for the benefit of creditors -----	2.70
Copy of same when ordered -----	1.25
Taking bonds required of the trustee or trustees in such cases, and including all services connected with it -----	2.70
Recording inventories required to be filed by the trustees, for every twenty words -----	.05
Each official certificate -----	1.50
Each bond required to be taken or prepared by the clerk -----	1.50
Taking a bond where no fee is fixed specially by law -----	1.50
Copy of any bond when ordered -----	1.50
Recording a bond, each bond -----	1.50
Receiving the acknowledgment or proof of any deed, mort- gage or agreement, power of attorney, or other written	

instrument required by law to be done and certifying same -----	1.25
Recording powers of attorney, agreements, allotments of dower, division of land, wills, inventories, sale bills, settlements of fiduciary accounts, and certificates thereof, for every twenty words, or fraction thereof -----	.05
Recording any report of a commissioner, surveyor, assignee, trustee, receiver, administrator, executor, guardian or other official or person, each ten words -----	.03
Taking the acknowledgment or proof of a deed of real estate, certifying and recording the same and recording his own certificate, provided the entire record thereof does not exceed twelve hundred words -----	2.50
All over twelve hundred words, every twenty words -----	.05
Each additional certificate -----	.40
Each additional tract embraced in such deed, except town lots -----	.40
Copy of deed and certificate thereon -----	2.50
Recording the conveyance of personal or chattel property, taking the acknowledgment or proof thereof, and recording the orders and certificates, including the whole services -----	2.00
Each copy thereof -----	1.50
Recording a mortgage of real estate, certificates, and all services connected with the same, provided the entire record thereof does not exceed twelve hundred words -----	2.50
All over twelve hundred words, for every twenty words -----	.05
Copy of same -----	2.50
Recording mortgage of personalty -----	2.00
Copy of same -----	1.50
Recording, entering or noting release of any lien, mortgage or redemption other than a deed of release -----	.40
Receiving the acknowledgment, recording and certifying each deed of release of a mortgage or lien -----	1.50
Copying courses and distance of any deed, for each tract when demanded -----	.40
Recording plat laid down in the allotment of dower or division of land, for each tract thereof -----	.40
Recording or copying a plat or map of land, each lot -----	.40
Making a record for the establishment of a city, recording the plan or plat thereof, and all other services incident ----	6.75
Recording survey of a city, or any part thereof, or any addition to or extension of the boundary of a city -----	6.75
Every order concerning the establishment, changing, closing or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed or discontinued, and by the applicant when it is not -----	.50

Each order appointing a surveyor of road -----	.50
Each copy thereof -----	.50
(The last two named to be paid out of the county levy.)	
Each order in proceedings for private passways, to be paid by applicant -----	.50
Each copy of same, to be paid by applicant when ordered ----	.45
Each report of list of surveyors of roads made and furnished to the grand jury, to be paid out of the county levy -----	2.50
Copying a surveyor's report, for every twenty words or frac- tion thereof -----	.05
Administering an oath and certificate thereof -----	.75
Issuing license for which no other fee is fixed by law -----	1.50
Marriage license, bond, certificate and recording -----	3.00
Each order and certificate allowing any claim against the county treasurer or State Treasurer, where the claim exceeds five dollars, to be paid by the claimant -----	.70
Recording post notice of an estray, waif-boat or wreck, and advertising same -----	1.00

HB 295: AN ACT relating to insurance companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A foreign insurance company or insurer incorporated by or under the laws of any other state or foreign country, which is subject to the tax imposed by KRS 136.330, 136.340, 136.350, 136.360, 136.370, 136.390, 342.445 or 342.450, and which owns or leases and substantially occupies any building in the Commonwealth of Kentucky as a regional home office, as defined in Section 2 of this Act, shall be entitled to the following credits and deductions against such tax:

(a) An amount equal to fifty per centum of the amount of the tax as determined under KRS 136.330, 136.340, 136.350, 136.360, 136.370, 136.390, 342.445 or 342.450.

Section 2. A regional home office, for the purpose of this section, shall mean an office performing, for an area covering three or more states, the selling, underwriting, issuing and servicing of insurance, including the following functions relating thereto: approval or rejection of applications for insurance and issuance of policies thereon, approval of payment of all types of claims, maintenance of records to provide policyholder information and service, advertising and publications, public relations, supervision and training of sales and service forces.

Section 3. Such a foreign insurance company or insurer shall, by March 1 of each year, on forms to be prescribed by the insurance commissioner, furnish proof which shall satisfy the insurance commissioner that such foreign insurance company or insurer owned or leased

and substantially occupied during the preceding calendar year a regional home office as contemplated by Section 2 of this Act. Upon receipt of such proof, the insurance commissioner shall issue to the state treasurer a certificate that the foreign insurance company or insurer owned or leased and substantially occupied during the preceding calendar year a regional home office, as contemplated by Section 2 of this Act. Upon receipt of such proof, the insurance commissioner shall issue to the state treasurer a certificate that the foreign insurance company or insurer owned or leased and substantially occupied during the preceding calendar year a building in this state as such a regional home office, with the location thereof, and is entitled to the credits and deductions provided for in Section 1 of this Act with respect to the tax imposed by KRS 136.330, 136.340, 136.350, 136.360, 136.370, 136.390, 342.445 or 342.450, which accrued during such calendar year. Provided, that with respect only to the calendar year in which a foreign insurance company or insurer shall first establish such a regional home office in this state, if the proof filed with the insurance commissioner on or before March 1 of the succeeding year, as above provided in this section, shall evidence to the satisfaction of the insurance commissioner that said foreign insurance company or insurer established such a regional home office in this state on or prior to July 1 of such calendar year and substantially occupied and maintained same during the remainder of such calendar year, then said foreign insurance company or insurer shall be entitled to the rights, credits and deductions provided in this Act as fully as though it had owned or leased and substantially occupied said regional home office during the entire period of such calendar year; and in such event the certificate to be issued by the insurance commissioner to the state treasurer as above provided in this section, shall be so worded as to accomplish the intent and purpose of this Act.

HB 321: AN ACT relating to water districts, and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 74.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) After the county court has made an order creating a water district, the court shall appoint three commissioners from among the residents of the district for terms of two, three and four years respectively as designated by the court, and at the expiration the terms of the first commissioners, for terms of four years, but the individual holding such office shall do so at the pleasure of the court.

(2) Vacancies shall be filled by the county court. Vacancies resulting from cause other than expiration of the term shall be filled for the unexpired term only.

(3) The commission shall elect a chairman, secretary and treasurer. Each commissioner shall execute a bond, approved by the county court, conditioned on the faithful performance of the duties of his position.

(4) Each commissioner shall receive an annual salary of not more than twenty four hundred dollars, to be fixed by the county court and paid out of the water district fund. In fixing the salary of the commissioners, the court shall take into consideration the financial condition of the district and its ability to meet its obligations as they mature.

Section 2. Section 74.030 of the Kentucky Revised Statutes is amended to read as follows:

The county attorney shall act as counsel to the water commission, except that the commission may, subject to approval of the court, employ counsel whose compensation shall be paid from water district funds.

Section 3. Section 74.060 of the Kentucky Revised Statutes is repealed.

Section 4. Water districts provide an essential community service, which must be kept fully operational at all times. All personnel hold their positions by appointment only. Since to require an involved procedure for dismissal of such personnel could disrupt the operation of such services, an emergency is declared to exist, and this Act shall become effective upon approval by the Governor.

HR 36: A JOINT RESOLUTION authorizing civil action against the Commonwealth of Kentucky, Department of Revenue, in the interest of William E. Scent.

WHEREAS, it appears by affidavits that William E. Scent was employed by the Department of Revenue pursuant to authority granted by KRS 134.380 for the purpose of representing the Commonwealth before the Court of Appeals in litigation styled Allphin v. L. & N. Railroad Co., 290 S.W. (2d) 787, and Allphin v. Joseph E. Seagram and Sons, 294 S.W. (2d) 515, and during the year 1956 did render valuable legal services to the Commonwealth pursuant to said employment;

WHEREAS, said William E. Scent did expend approximately \$100.00 of his own funds as the direct result of said employment and representation on behalf of the Commonwealth;

WHEREAS, said William E. Scent has not received any compensation for said services and has not been reimbursed for said expense because his said employment was not approved in writing by the Governor; and,

WHEREAS, the just and reasonable value of the legal services he so rendered can best be ascertained and determined by judgment of a court of this Commonwealth;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. William E. Scent is authorized to sue the Commonwealth of Kentucky, Department of Revenue, in the Franklin Circuit Court to recover the just and reasonable value of the legal services rendered during 1956 to the Commonwealth of Kentucky, Department of Revenue, in the litigation styled Allphin v. L. & N. Railroad Co., 290 S.W. (2d) 787, and Allphin v. Joseph E. Seagram and Sons, 294 S.W. (2d) 515, and to recover the amount of his expenses actually incurred in connection with the rendition of said legal services; that said action shall be commenced within one year from the effective date of this Resolution, and that no plea of limitation shall be interposed if commenced within that time;

Section 2. That said action shall be for a total sum not in excess of \$6,100.00;

Section 3. That the Attorney General of the Commonwealth of Kentucky may investigate the claim and settle it before or after suit is filed if he deems it advisable;

Section 4. That any amount recovered in this action, either by settlement or judgment, shall be paid by check drawn against the Commonwealth of Kentucky, General Fund, Department of Revenue, Operating Fund, in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer;

Section 5. That final judgment in the action may be appealed by either party to the Court of Appeals in the manner provided in the Rules of Civil Procedure; and

Section 6. That no statement in this Resolution shall be considered as evidence by the Court entertaining the action.

HR 126: A CONCURRENT RESOLUTION memorializing Congress to support Resolution number 543 in the United States House of Representatives relating to surplus property.

WHEREAS, there is now pending before the House of Representatives of the Congress of the United States a resolution, designated as House Resolution No. 543, the purpose of which resolution is to amend the Federal Property and Administrative Services Act of 1949, to permit the donation and other disposal of surplus property to tax supported public recreation agencies; and,

WHEREAS, there are numerous tax supported public recreation agencies within the Commonwealth of Kentucky which would benefit, and which benefits would flow directly to a large segment of the citizens and population of the State of Kentucky, from the donation by the United States Government to tax supported recreation agencies of surplus property of the United States government for which the latter no longer has any real need; and,

WHEREAS, it is the sense and belief of the General Assembly of Kentucky that the aforesaid legislation by the Congress of the United States is highly desirable from the standpoint of the people of this state and of the other 47 states of the United States;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the General Assembly hereby expresses its strongest approval and wholehearted support of House Resolution No. 543, now pending in the House of Representatives of the Congress of the United States; that it hereby urges all of the members of the House of Representatives of the Congress of the United States representing constituents of the Commonwealth of Kentucky to support, vote for and otherwise work for the passage or adoption of House Resolution No. 543 in the Congress of the United States; and that properly authenticated copies of this resolution be promptly transmitted to each member of the United States House of Representatives from Kentucky and to each of the two Senators from Kentucky.

HB 443: AN ACT relating to retirement for State Police Officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Definitions.*

As used in this Act unless the context otherwise requires:

(1) "System" means the State Police Retirement System created by this Act;

(2) "Board" means the Board of Trustees of the Kentucky Employees Retirement System;

(3) "Employer" or "State Police" means the Division of State Police of the Department of Public Safety, or its successor;

(4) "Current Service" means the number of years and completed months of uninterrupted employment as an employe subsequent to the effective date of this system, for which service compensation is paid by the employer;

(5) "Prior Service" means the number of years and completed months of employment as an employe prior to the effective date of

the system, for which compensation was paid to the employe by the Commonwealth;

(6) "Service" means the total of current service and prior service;

(7) "Beneficiary" means any person designated in writing as beneficiary for benefits payable on death of a member, signed in such manner and on such forms as may be required by the board, and duly filed with the board; or it means the member's estate if no designation of beneficiary is on file with the board;

(8) "Accumulated Contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the member's contribution account, together with interest credited on such amounts as provided in this Act, and any other amounts the member shall have contributed thereto, including interest credited thereon;

(9) "Creditable Compensation" means the regular base pay including pay for longevity received by an employe working full time for the employers; living allowances, expense reimbursements, payments received after the date of termination of employment for accrued vacation leave, and other such items as are determined by the board shall be excluded;

(10) "Final Compensation" at any time means the creditable compensation a member was paid during the five calendar years he was paid the highest average monthly rate of any of the ten years of creditable compensation preceding such time, divided by the number of months of service during such five year period; such five years may be fractional, need not be consecutive, and include only the years during which creditable compensation is received by the member;

(11) "Retired Member" means any member entitled to receive benefits under the provisions of this Act;

(12) "Retirement Allowance" means the retirement payments to which a retired member is entitled;

(13) "Actuarially Equivalent Benefits" means benefits which are of equal value when computed upon the basis of such actuarial tables as are adopted by the Board;

(14) "Authorized Leave of Absence" means any time during which a person is absent from employment but as provided in Section 8 of this Act retained in the status of an employe in accordance with the personnel policy of the Division of State Police;

(15) "Normal Retirement Date" means the first day of the month following or coinciding with a member's fifty-fifth birthday, except that for members over age fifty-five on the effective date of the system, it shall mean the first day of the month six months following the effective date of the system;

(16) "Disability Retirement Date" means the first day of the month following six complete months of total and permanent disability or partial disability;

(17) "Dependent Child" means a child en ventre sa mere and a natural or legally adopted child of the member who has neither attained age eighteen nor married;

(18) "Optional Allowance" means an actuarially equivalent benefit elected by the member in accordance with provisions of Section 27 of this Act, in lieu of all other benefits provided by this Act;

(19) "Vested Amount" at any time after fifty-five means the actuarially determined value at normal retirement dates of benefits otherwise payable beginning on the normal retirement date together with interest thereon compounded at the rate of interest used to determine the amount of interest credited to individual accounts; and

(20) "Disability Ratio" means that percentage determined by the board as being applicable to the degree of disability suffered or incurred by a member.

Section 2. *Retirement System Established.*

There is hereby created and established:

(1) A retirement system for State Police to be known as the "State Police Retirement System" by and in which name it shall, pursuant to the provisions of this Act, transact all of its business, and shall have the powers and privileges of a corporation; and

(2) A State Fund, to be known as the "State Police Retirement Fund", which shall consist of all the assets of the system as set forth in Section 11.

Section 3. *Former Membership in Kentucky Employes Retirement System; Transfer of Contributions.*

Beginning on the effective date of this system:

(1) Members of the system established by this Act shall have no further right to participate in the Kentucky Employes Retirement System;

(2) The Kentucky Employes Retirement System shall have no liability for any benefits to members of this system;

(3) No contributions to Kentucky Employes Retirement System shall be made with respect to subsequent payrolls, by or in behalf of members of this system;

(4) As soon as practicable, but within three months of the effective date of this system, the Board of Trustees of the Kentucky Employes Retirement System will establish a separate fund for the system created by this Act and will pay to the State Police Retirement System one hundred percent of the amount of accumulated contributions of members whose membership therein is terminated by this Act, and ninety-eight percent of the amount of contributions of the Department of Public Safety, with respect to such former members.

Section 4. *Membership.*

(1) Membership in the system shall consist of all officers of the Kentucky State Police on the effective date of this system, who are

entitled to exercise the powers of peace officers, and who hold permanent rank in the Division of State Police up to and including the rank of captain, and all persons who become such officers subsequent to the effective date of this system.

(2) After the effective date of this Act, no person who is age thirty-one or over shall be eligible to become an employe of the Kentucky State Police.

Section 5. *Conditions of Cessation of Membership.*

(1) The membership of any person in the system shall cease upon:

(a) Withdrawal of his accumulated contributions at any time after termination of employment, regardless of length of service;

(b) The date benefits payable under this system are first paid;

(c) Death;

(d) Termination of employment prior to the completion of five years of service; and

(e) Termination of employment with prejudice at any time.

(2) For purposes of this Act, "termination of employment with prejudice" shall mean termination as a result of conviction of a member in a court of competent jurisdiction, of a felony, embezzlement or larceny of public funds or property, malfeasance in office, or the forcing of a member to make restitution of any funds or property criminally taken by said member at the time of termination of employment, or found guilty by the board of conduct deemed inimicable to the State Police or conduct not in keeping with the code of conduct prescribed for employes.

Section 6. *Statements to be Filed.*

Under such rules and regulations as are adopted by the board, each employe becoming a member on the effective date of the system shall file with the board, on such forms as the board may prescribe, a statement of the facts pertaining to his status as a member which shall include a detailed description of all service rendered prior to the effective date of this system. Until such statement is filed, no member or his beneficiary shall be entitled to receive any benefits under this Act. As soon as practicable after said statement is filed, the board shall ascertain the amount of prior service, if any, to which each member is entitled and shall issue to each member a certificate certifying the length of such service rendered by him.

Section 7. *Years of Service.* The board shall determine by appropriate rules and regulations how much service in any year is the equivalent of a year of service, but in no case shall it allow credit for more than one year of service for all services rendered during any period of twelve consecutive months.

Section 8. *Authorized Leave of Absence.* Authorized leave of absence shall not be deemed an interruption of creditable service or a cessation of membership. Time while on authorized leave shall be credited as service for purposes of this Act as follows:

(1) Credit shall be allowed for service in the Armed Forces of the United States, provided the member entered said Armed Forces after first participating in the system and provided he returns to employment within six months of discharge. In no case, however, will more than six years of such service be considered creditable service.

(2) Credit shall be allowed for leave of absence for educational purposes, whether with or without pay.

(3) Credit shall be allowed for illness not covered under this plan, provided such illness is properly substantiated on request of the employer or board.

(4) Credit shall be allowed for absence from employment, with or without pay, if authorized by the employer and approved by the board.

Section 9. *Contributions of Members.*

(1) Except for members over age fifty-five on the effective date of this system who shall not be required to contribute, each member shall, commencing on the date he becomes a member, contribute for each pay period for which he receives compensation, whether or not on authorized leave of absence, ten percent of his creditable compensation reduced by the Social Security taxes paid for said pay period.

(2) The Commissioner of Finance shall cause to be deducted from the compensation of each member for each and every payroll period subsequent to the effective date of the system, the contributions payable by such member as provided in this Act.

(3) In determining the creditable compensation of a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period; to facilitate meeting deduction requirements, the board may allow omission of a deduction of any fractional amount less than one dollar from any member in any payroll period. Deductions from compensation for any period less than a full payroll period for any employe not a member on the first day of the payroll period may be omitted if such procedure is authorized by the board.

(4) Every member shall be deemed to consent to deductions made as provided herein; and the payment of salary or compensation less such deduction shall be a full and complete discharge of all claims for services rendered by such person during the period covered by such payment, except as to any benefits provided by this Act.

(5) Notwithstanding any other provisions of this Section, no deduction shall be made from any member's compensation if the employer's contribution required hereunder is in default.

Section 10. *Contributions of employer.*

(1) The employer shall contribute monthly, beginning with the month of the effective date of the system. Contributions made each month shall equal an amount based on a "normal contribution percentage" of the creditable compensation of the members, to be known as the "normal contribution" and an additional amount based on a "past service liability contribution percentage" of such creditable compensation to be known as the "prior service liability contribution".

(2) Until the prior service liability contribution is no longer required, the "normal contribution percentage" shall be determined at such rate payable during the member's periods of service while under the system as necessary to provide the retirement allowances due to such periods of service not provided by the members' contributions. After the prior service contribution is no longer required, the "normal contribution percentage" shall be determined as such annual rate payable during the members' periods of service under the system as necessary to provide the difference between the total liabilities for retirement allowances not provided by members' contributions and the amount of assets in retirement allowance accounts.

(3) The "prior service liability contribution percentage" shall be such annual amount required to provide for the liquidation, within thirty years of the effective date of the system, of the liabilities for retirement allowances due to prior service with the employer. The unfunded prior service liability at any time shall be the excess, if any, of the then present value of the retirement allowances due to prior service over the total accumulated prior service liability contributions previously made with interest on such contributions at the rates of interest earned each year on the assets of the system.

(4) Normal contributions and the prior service liability contributions shall be determined on actuarial bases adopted by the board. Such contributions shall be determined by the board after each valuation and shall continue in force until a new valuation and determination by the board is made.

(5) The board shall furnish to the employer prior to the beginning of each fiscal year, its best estimate of the normal contributions, the prior service liability contributions and the expense allowance for administering the system, necessary to meet the provisions of this Act during the fiscal year next following. The estimated amount so furnished shall be included in the budget for the employer and the employer shall make available to the board sufficient funds to provide actual amounts necessary for contributions and expenses.

(6) The aggregate employer contributions payable into the retirement allowance account shall be at least sufficient, when combined

with the amounts then held in the accounts, to provide the benefits payable from such accounts during the current year.

Section 11. *Assets credited to one of two accounts.*

All the assets of the system shall be held and invested in the State Police Retirement Fund and credited, according to the purpose for which they are held, to one of two accounts: the "member contribution account" or the "retirement allowance account."

Section 12. *Member Contribution Account.*

(1) The member contribution account shall be the account to which all members' contributions and interest allowances as provided in this Act shall be credited; only funds from this account shall be used to return accumulated contributions of a member when required by reason of any provision of this Act.

(2) The Commissioner of Finance shall, at the end of each payroll period, transfer to the member contribution account an amount equal to the aggregate amount of the deduction made for the preceding payroll period from the salaries of all members. The Commissioner of Finance shall forward a record of all such transfers to the board.

(3) Each member's contribution shall be credited to the individual account of the contributing member.

(4) Each individual account of the member contribution account shall be credited annually with interest at the rate specified by the board but not less than two and one-half per centum per annum on the accumulated contributions of the member; provided, however, that interest shall accrue on any such contribution beginning at the end of the fiscal year in which such contribution was made. Such amounts so credited shall be transferred from the retirement allowance account.

(5) Accumulated contributions shall be transferred from a member contribution account to the retirement allowance account at the time of termination from employment for any reason except as provided in subsection (1).

(6) Included as a part of each member's contribution account shall be his accumulated contributions in the Kentucky Employees' Retirement System, if any, transferred to this system.

Section 13. *Retirement allowance account.*

The retirement allowance account shall be the account in which shall be accumulated all employer contributions, amounts transferred from the member contribution account, and to which all income from the investment assets of the system shall be credited. From this account there shall be paid administrative expenses and in addition all benefits payable under this Act. There shall be transferred from this account to the member contribution account the interest credited annually to each member's individual accounts.

Section 14. *Deposits.*

For the purpose of meeting disbursements for retirement allowances and other payments, there may be kept available cash, not exceeding ten percent of the total amount in both accounts of the system, on deposit in one or more banks or trust companies that are designated by the State Treasurer as depositories for funds of the State. The members of the board shall not be liable for any loss sustained as to such funds that are on deposit in such banks or trust companies.

Section 15. *Minimum Benefits.*

(1) A person whose membership has ceased prior to the completion of five years of service, or as a result of termination of employment with prejudice, shall be eligible to receive a lump sum payment equal to his accumulated contributions determined on the date of cessation of membership.

(2) A person entitled to receive benefits as provided by Sections 18-26 may elect in lieu of all such benefits either of the following benefits:

(a) A lump sum payment equal to the value of accumulated contributions determined on the date such entitled benefits would otherwise commence, or

(b) Monthly payments for fifteen years certain, commencing on the member's otherwise normal retirement date, equal on said date to the then value of his vested retirement benefit. This provision shall not apply in event of death of a member following termination of employment but prior to his attainment of age fifty-five.

(3) In event of termination of disability, the difference, if any, between accumulated contributions at the member's disability retirement date and benefits paid by reason of disability shall be refunded to the recovered retired member.

Section 16. *Disability.*

(1) Total and permanent disability as used in this Act shall mean such disability as results in a member's incapacity to engage in any occupation for remuneration or profit, which disability is the result of bodily injury or disease suffered or contracted in line of duty and which has existed continuously for a period of six months. Total disability of six month's duration is considered as permanent only for the purpose of determining eligibility for commencement of benefits. Loss by severance of both hands at or above the wrists, or both feet at or above the ankle, or one hand above the wrist and one foot at or above the ankle, or the complete, irrecoverable loss of the sight of both eyes shall be considered as total and permanent disability. The "disability ratio" shall be deemed one hundred percent in the case of total and permanent disability.

(2) Partial disability as used in this Act shall mean such disability as results in a member's incapacity to continue as an employe of the employer, and which disability has incapacitated such member continuously for six months and is the result of bodily injury or disease suffered or contracted in line of duty. The board shall have full power and exclusive authority to determine the existence of partial disability; it shall establish by appropriate findings utilizing consistent procedures, including services of an examiner, the disability ratio applicable to such disabled member.

(3) Notwithstanding the provisions of subsections (1) and (2), no injury shall be deemed to be disability within the provisions of this Act if such injury results directly or indirectly from:

- (a) Injury intentionally self-inflicted while sane or insane;
- (b) Injury or disease resulting from military service; or
- (c) Disease suffered or contracted prior to date of employment as an employe of the employer.

(4) Upon termination of disability a member or retired member eligible for disability benefits under this Act shall lose all rights to such benefits that would be paid subsequent to the termination of disability, except as provided in Section 15 (3) of this Act.

(5) Once each year the board may require any retired member receiving a disability benefit who has not reached age fifty-five to undergo a medical examination by an examiner designated by the board, such examination to be made at a place near the residence of such retired member or such other place as may be mutually agreed upon. If it appears from such medical examination that the disability of said retired member has changed or that his earning capacity has changed since the date disability payments commenced, the board shall revise the retired member's "disability ratio" consistent with such findings and disability benefits to the retired member shall be adjusted beginning with the next benefit payment.

Should any member receiving a retirement allowance by reason of disability refuse to submit to such medical examination, his disability benefits shall be discontinued until he shall actually undergo such medical examination, and should he fail to undergo such medical examination for one year, all his right in and to his disability benefits shall cease. If a retired member has his disability benefit hereunder discontinued prior to age fifty-five and if such member is re-employed by the employer within six months following the date said disability ceases, then his service shall not be deemed to have ceased or been interrupted for purposes of determining benefits upon normal retirement.

(6) Total and permanent disability shall be deemed to cease in event a retired member receiving a benefit by reason of total and permanent disability engages in gainful occupation or work of any sort.

(7) Notwithstanding any provision of this Act to the contrary, no benefit provided in Section 21 or 22 shall be reduced as a result of any

change in the extent of disability or the disability ratio with respect to any retired member who is age fifty-five or over.

Section 17. *Normal Retirement.*

A member shall terminate employment on his normal retirement date. Upon such retirement, the member shall receive a monthly normal retirement allowance payable for life equal to one and one-half percent of final compensation for each year of service. The amount paid each month by the system will be reduced beginning with the first payment following the sixty-fifth birthday by eighty-five percent of the monthly primary insurance amount under Social Security determined on the assumption that said member would be eligible to receive the maximum primary insurance amount determined under the Social Security law in force at the time of his normal retirement. However, in lieu of any benefit to commence on his normal retirement date, the member may elect to receive a delayed allowance as provided in Section 19 of this Act.

Section 18. *Vested Deferred Benefits.*

Any member who has completed at least five years of service at the time of termination of employment shall receive on his otherwise normal retirement date a retirement allowance payable for life computed as if it were a normal retirement allowance, but based on service completed at time of termination of employment. Upon death after termination of employment and prior to the attainment of age fifty-five, such deceased member's designated beneficiary shall be paid the then amount of the retired member's accumulated contributions.

Section 19. *Delayed Allowance.*

In lieu of a retirement allowance to commence at normal retirement date, a member, or retired member who had terminated employment prior to his otherwise normal retirement date, shall have the right, by proper written election to the Board of Trustees in such manner as the board shall prescribe, to receive a monthly benefit to commence at any time subsequent to the attainment of age fifty-five, but not later than the first day of the month following or coinciding with the sixty-fifth birthday. The benefit shall be payable monthly for life. The actuarial value at normal retirement date of the retirement allowance which would otherwise commence on that date shall be determined, and shall accumulate at the rate of interest credited to individual accounts until the payment of benefit shall commence, at which time the benefit to commence shall be of equivalent actuarial value.

Section 20. *Death in Line of Duty.*

In event death of a member occurs as a direct result of an act occurring or a thing done which, as determined by the board, was re-

quired in the performance of duty, the member's beneficiary shall receive the following monthly benefit, computed pursuant to the various percentages referred to as "benefit percentages", applicable to the deceased member's monthly rate of creditable compensation at time of death. The benefit shall commence in the month following date of the death of the member and shall be payable to the beneficiary, if living, or to a legally appointed guardian, or the member's estate as the case may be, as directed by the board.

(a) For the surviving beneficiary, a "benefit percentage" of forty-five percent shall be applicable. The resulting benefit shall be payable until the death of the beneficiary, or until seventy-two payments have been paid. Benefits cease, in the case of beneficiaries who are also surviving spouses of members upon remarriage. Notwithstanding the provisions of this Section, if the spouse is beneficiary and remains unmarried, said benefit shall be continued for as long a time as there is at least one dependent child. Upon the death of the surviving beneficiary, if there is then at least one dependent child, the board shall direct that the benefit otherwise payable for the beneficiary, together with all other income from the system by reason of dependent children, shall be continued to a legally appointed guardian, or such other person, persons, or organization entitled to such income in the opinion of the board by reason of carrying out the responsibilities of the orphaned dependent children.

(b) In the period of time following a member's death during which only one dependent child is alive, an additional "benefit percentage" of fifteen percent shall be applicable and the resulting benefit shall be payable until remarriage of the spouse or until the child dies, marries, or attains age eighteen.

(c) In the period of time following a member's death during which two dependent children are alive, an additional "benefit percentage" of twenty percent shall be applicable and the resulting benefit shall be payable until remarriage of the spouse, or until a dependent child dies, marries or attains age eighteen.

(d) In the period of time following a member's death during which three dependent children are alive, an additional "benefit percentage" of twenty-five percent shall be applicable and the resulting benefit shall be payable until remarriage of the spouse or until a dependent child dies, marries, or attains age eighteen.

(e) In the period of time following a member's death during which at least four dependent children are alive, an additional "benefit percentage" of thirty percent shall be applicable and the resulting benefit shall be payable until remarriage of the spouse; or death of any dependent child, or attainment of age eighteen of any dependent child.

Section 21. *Total and Permanent Disability in Line of Duty.* In event total and permanent disability occurs as a direct result of an

act occurring or a thing done which, as determined by the board, was required in the performance of duty, the member shall retire on his disability retirement date and be eligible to receive the following benefits, based on various percentages referred to as "disability benefit percentages" which shall be applied to the member's monthly rate of creditable compensation in effect at the time of the occurrence leading to disability. The income shall commence in the month of the disability retirement date:

(a) For the disabled member, a "disability benefit percentage" of forty-five percent shall be applicable. The resulting benefit shall be payable until the death of the retired member.

(b) Upon the death of the retired member, a death benefit shall be payable to the surviving beneficiary, computed as if the member had died in line of duty and received a benefit in accordance with the provisions of Section 20 of this Act.

Section 22. *Partial Disability in Line of Duty.*

In event partial disability occurs as a direct result of any act occurring or a thing done which, as determined by the board, was required in the performance of duty, the member shall retire on his disability retirement date and be eligible to receive a benefit equal to the product of the "disability ratio", as provided in Section 16, and the amount determined according to subsections (a) and (b) of this Section. The income shall commence in the month of the disability retirement date and will be payable to the retired member.

(a) For the partially disabled member, forty-five percent of the member's monthly rate of creditable compensation in effect at the time of the occurrence leading to disability shall be payable until death;

(b) Upon the death of the retired member, a death benefit shall be payable to the surviving beneficiary equal to the benefits computed as if the member had died in line of duty and received a benefit in accordance with the provisions of Section 20 of this Act.

Section 23. *Death not in Line of Duty.*

In event of death of a member not a direct result of performing any act or doing anything required in the performance of duty, the member's beneficiary shall be eligible to receive a benefit as determined in accordance with the provisions of Section 15 (1).

Section 24. *Disability not in Line of Duty.*

In event of partial or total and permanent disability not a direct result of performing any act or doing anything required in the performance of duty, the member shall retire on his disability retire-

ment date and be eligible to receive a benefit in accordance with provisions of Section 15 (1).

Section 25. *Social Security and Workmen's Compensation Reductions.*

Notwithstanding any provision in this Section to the contrary, benefits computed under Sections 20, 21 and 22 shall be reduced by the exact amount of benefits payable under any Workmen's Compensation Law, Employer's Liability Insurance and under Title II of the Federal Social Security Act. As a further condition precedent to the eligibility and continued eligibility of any person otherwise eligible to receive a benefit computed in accordance with Sections 20, 21 and 22, said person shall submit satisfactory proof to the board, in such form and manner as this board shall require, as to the eligibility to receive and the amount of benefits received under Workmen's Compensation and Social Security.

Section 26. *Death benefits after age 55.*

The actuarially determined value at age fifty-five of benefits otherwise payable at normal retirement date shall vest upon a member's attainment of age fifty-five. Upon the death of a retired member after age fifty-five but before benefit payments begin, his beneficiary shall receive one hundred eighty monthly installments certain.

Section 27. *Optional benefits.*

(1) Each member shall have the right to receive an optional allowance payable under any one of the options set forth in this Section in lieu of the retirement allowance provided in Sections 15, 17, 18 and 19 of this Act otherwise payable to him. The member shall make an election by written request to the board six months prior to the time his retirement allowance or delayed allowance would otherwise commence, and such election must be approved by the board before payment of any benefit.

(2) A beneficiary, by reason of death of a member, eligible to receive a benefit under the provisions of this Act shall have the right to receive an optional allowance payable under any one of the options set forth in this Section in lieu of all other benefits provided by this Act. A beneficiary shall make an election by written request to the board six months prior to the time any benefits would otherwise be payable.

(3) The amount of any optional allowance determined according to paragraphs (a), (b), (c), and (d) below shall be actuarially equivalent to the amount of retirement allowance otherwise payable.

(a) A member may elect to receive a reduced level optional allowance payable for life.

(b) A member may elect to receive a decreased level optional allowance payable for one hundred twenty payments certain and during the lifetime of the retired member thereafter.

(c) A member may elect to receive a decreased level optional allowance payable during his lifetime and have such retirement allowance continued after his death to his beneficiary during the lifetime of such beneficiary.

(d) A member may elect to receive a decreased level retirement optional allowance during his lifetime and have fifty percent of such retirement allowance continued after his death to his beneficiary during the lifetime of such beneficiary.

(4) The election by a member of any of the options stated in this Section shall be null and void if the member dies prior to his normal retirement date, and the election of a member of paragraphs (c) or (d) of subsection (3) shall be null and void if the designated beneficiary dies, before the member's retirement.

(5) A member or retired member whose retirement allowance has not begun, who has elected any one of the options stated in this Section, may, at any time prior to his effective retirement date or the receipt by the board of proper written notification of the retirement of the member, revoke such election by proper written notification to the board.

(6) A member shall have the right to change his beneficiary at any time prior to the time that benefits provided under Sections 15, 17, 18 and 19 would otherwise commence.

Section 28. *Board to Administer System.*

The government and control of the system is hereby vested in the Board of Trustees of the Kentucky Employees Retirement System. The board shall carry out the provisions of this Act in the same manner in which it administers the Kentucky Employees Retirement System. In all matters concerning the administration of this Act, and not otherwise provided for by this Act, the same rights, duties and obligations shall apply to the board, as now apply under the provisions of KRS 61.510 to KRS 61.700.

Section 29. The following subjects shall be administered in the same manner subject to the same limitations and requirements, as provided for the Kentucky Employees' Retirement System by KRS 61.675 to KRS 61.700:

- (a) Duties of the employer;
- (b) Exemption of benefits of the system from taxation;
- (c) Effect of action by the General Assembly with respect to the system;
- (d) Effect of false statement and falsification of records; and
- (e) Penalties.

Section 30. For the purposes of this Act there is hereby appropriated out of the General Fund to the Department of Public Safety the sums of \$123,000 for the fiscal year 1958-1959 and \$148,000 for the fiscal year 1959-1960.

Section 31. This Act shall become effective on July 1, 1958.

HB 626: AN ACT relating to liability of tobacco warehousemen and the rights of purchasers of tobacco sold at auction.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

If any tobacco crop subject to the lien of a chattel mortgage is sold at public auction through a duly licensed tobacco warehouse in the ordinary course of business, a bona fide purchaser for value of such crop shall take title thereto free and clear of any such lien, and the warehouseman selling such tobacco shall not be liable to the holder of such lien, unless written notice of such lien and the amount thereof the name and address of the debtor and proper identification of the property subject to lien, are given to the tobacco warehouseman prior to the payment of the proceeds of sale to the owner or producer of such tobacco crop.

HR 18: A JOINT RESOLUTION authorizing reimbursement to C. S. Woodward for funds expended in payment of premium on official bond.

WHEREAS, it appears that C. S. Woodward was during the period of January 4, 1954 to January 4, 1956 the duly elected and acting sheriff of Robertson County;

WHEREAS, it appears C. S. Woodward as such duly elected and acting sheriff of Robertson County did, as required by law, cause to be executed an official bond by an incorporated surety company for each of the indicated years;

WHEREAS, it appears that the said C. S. Woodward paid the premiums in the amount of one hundred and thirty-five dollars on the said bonds for the years indicated;

WHEREAS, by the provisions of Section 62.155 of the Kentucky Revised Statutes each sheriff has a valid claim against the state for the amounts paid by him for premiums on the bonds required of him by law when the bonds have been executed by an incorporated surety company authorized to do a surety business in Kentucky, and when the claims are verified by the sheriff's affidavit; and

WHEREAS, the said C. S. Woodward has made a properly verified claim against the Department of Finance of the Commonwealth of Kentucky in the amount of one hundred and thirty-five dollars, the total amount of premiums paid by the said C. S. Woodward on the of-

ficial bonds required of him for the years indicated, which claim the said Department of Finance has refused to pay for the reason that said claim was not presented for payment within the time prescribed by Section 45.231 of the Kentucky Revised Statutes;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That C. S. Woodward has a proper claim against the Commonwealth in the amount of one hundred and thirty-five dollars for premiums paid by the said C. S. Woodward on official bonds which he, the said C. S. Woodward, as the duly elected and acting sheriff of Robertson County during the period January 4, 1954 to January 4, 1956, was required by law to have executed.

Section 2. That, it appearing that said claims have not been paid, the Commissioner of Finance is hereby authorized and directed to draw a warrant in favor of C. S. Woodward, when the claim is presented, in the amount aforesaid and transmit same to the State Treasurer, who shall issue a check in favor of the said C. S. Woodward in the amount of one hundred and thirty-five dollars.

HR 17: A JOINT RESOLUTION authorizing and directing the payment of certain increased jailer's fees for fiscal year 1957-58, and making an appropriation therefor.

WHEREAS, 1956 c 95, sec. 2 increased the jailer's fee payable from the state treasury from \$2.00 to \$6.00 for each day's attendance upon the circuit court and from \$1.25 to \$1.75 per day for keeping and dieting a prisoner charged with a felony or contempt; and

WHEREAS, through inadvertence, the 1956 General Assembly did not appropriate any money to pay the increases in jailer's fees; and

WHEREAS, notwithstanding the lack of an appropriation therefor, the increased fee schedule was put into effect on July 1, 1957;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated to the county costs account the sum of \$100,000.00 to be used to pay the state's share of increased jailer's fees authorized by 1956 c 95, sec. 2, during the 1957-58 fiscal year.

Section 2. Whereas, there is an immediate need for money to be made available in order to prevent a total deficiency of funds in the county costs account in the fourth quarter of the 1957-58 fiscal year, an

emergency is hereby declared to exist and this resolution shall take effect upon its passage and approval by the Governor.

HR 16: A JOINT RESOLUTION authorizing and directing payment of the state's share of increased jailers fees covering the period June 17, 1954, to June 30, 1957, inclusive, and making an appropriation therefor.

WHEREAS, 1954 c 120 increased the fee that jailers receive from the state treasury from 60c to 75c for imprisoning and releasing a prisoner charged with a felony or contempt; and

WHEREAS, 1956 c 95, Sec. 2 increased the fee that jailers receive from the state treasury from \$2.00 to \$6.00 for each day's attendance upon the circuit court and from \$1.25 to \$1.75 per day for keeping and dieting a prisoner charged with a felony or contempt; and

WHEREAS, through inadvertence, the General Assembly in 1954 and again in 1956 did not appropriate any money to pay the aforesaid increased fees;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated to the county costs account the sum of \$100,000 to be used to pay the state's share of the aforesaid increased fees covering the period June 17, 1954 to June 30, 1957, inclusive. The jailer in each county so affected shall certify to the Department of Finance his supplemental claim covering the increased fees due him on claims which have been properly allowed and certified by the circuit court. The supplemental claim shall be made according to the term of court in which the original claim was allowed. Upon such proper certification, the Department of Finance shall audit each claim and, if found correct, authorize its payment.

HR 15: A JOINT RESOLUTION making an appropriation out of the General Expenditure Fund of the State Treasury for the purpose of meeting deficiencies in the 1956-57 Foundation Program allotments to school districts.

WHEREAS, in 1956, at the time of the final calculation of Foundation Program allotments to local school districts for 1956-57, it was discovered that the appropriation for said fiscal year was insufficient to finance the total program including the guarantee provisions of KRS 157.400 (2); and

WHEREAS, said deficiency was caused by an unexpected increase in the number and training of personnel employed in local school districts; and

WHEREAS, because of said deficiency in funds, certain school districts were given reduced allotments during said fiscal period;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated to the State Department of Education, the Public School Foundation Fund, the sum of \$171,-301.01 to be used to pay the aforesaid deficiencies in the 1956-57 allotments to school districts.

Section 2. Whereas, there is an immediate need for money to be made available for the payment of the already outstanding claims of certain school districts which were forced to receive reduced allotments during the aforesaid fiscal year, an emergency is declared to exist and this resolution shall take effect upon its passage and approval by the Governor.

HR 89: A JOINT RESOLUTION authorizing and directing a continuing study and evaluation of the common school system of the Commonwealth.

WHEREAS, the Minimum Foundation Law enacted in 1954, as implemented and more fully financed by the 1956 General Assembly, is designed to improve the common school system of the Commonwealth, not only with respect to compensation of teachers, physical structures, equipment, quantity and quality of pupil transportation vehicles, but more importantly in providing future citizens and leaders with progressively better educational opportunities;

WHEREAS, many compelling reasons involving among others matters of economics, social welfare and, probably the most compelling of any, national security make it mandatory that the rate of improvement not only continue uninterruptedly, but that it be accelerated;

WHEREAS, it appears that a continuing study evaluating the accomplishments of the system and identifying those policies and practices which are contributing and those which are not contributing to the desired end will be of invaluable aid in determining future action of the General Assembly in its efforts to provide ways and means of increasing educational opportunities and efficiency;

WHEREAS, the expenditure of \$60,105,700 for 1958-1959 and \$62,481,300 for 1959-1960 is contemplated, which sums represent an increase of eighty-four percent over the 1954-1956 biennium, it is imperative in the interests of economy and efficiency that such a continuing evaluation be made; and

WHEREAS, the magnitude and scope of such appraisal makes it necessary for the Legislative Research Commission to employ addi-

tional personnel in order that it may be accomplished promptly and in an impartial, thorough, and painstaking manner;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission be, and is, hereby authorized and directed to make a continuing and comprehensive study of the common school system, evaluating the accomplishments of the minimum foundation program and continuously reappraising the system in terms of funds expended, opportunities offered, and results obtained.

Section 2. That the Departments of Finance and Education and the local school districts be, and are, hereby directed to extend to the Legislative Research Commission their full and complete cooperation by supplying any required records, statistics, materials, and reports and in any other particular in which the study may be implemented.

Section 3. That the Legislative Research Commission be, and is, hereby authorized to employ such additional personnel, qualified and experienced in the field of educational research, as it may deem necessary to perform the directed evaluation.

Section 4. That periodic reports on the results of the study be submitted to the members of the General Assembly at such times as results warrant, but in any event a report shall be prepared for each regular session of the General Assembly.

HR 90: A CONCURRENT RESOLUTION relating to old age assistance.

WHEREAS, the present unsettled economic conditions of the country is causing deep hardships to a great proportion of our population;

WHEREAS, the older group of citizens are the first to be relieved of work in times of unemployment;

WHEREAS, these older persons also depend upon their sons and daughters to a large degree for subsistence, and these younger persons are also losing employment;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Congress of the United States is urged to act in the exercise of its legislative powers to provide greater assistance to our aged needy persons by reducing from sixty-five years to sixty years the limit of age in the old age assistance laws.

Section 2. That the Clerk of the Senate be and is hereby directed to send copies of this memorial, duly authenticated, to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, to each of the Senators and Representatives from Kentucky in Congress, and to the Secretary of Health, Education and Welfare.

HR 117: A CONCURRENT RESOLUTION requesting Congress to proceed with plans for construction of a dam at Greensburg.

WHEREAS, it has already been determined that it is necessary that a dam be constructed at Greensburg on the Green River;

WHEREAS, preliminary plans for the construction of such dam have been completed;

WHEREAS, further action on the part of the Congress, in the form of an appropriation, is necessary before further progress can be made, and;

WHEREAS, such appropriation would serve the dual purpose of expediting necessary construction and partially relieving the present unemployment situation.

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Section 1. That the Congress of the United States is urged to act in the exercise of its broad legislative powers to expedite construction of a dam on the Green River at Greensburg, Kentucky.

Section 2. That the Congress act in this regard by appropriating, at an early date, a sum sufficient to complete the construction of such dam.

Section 3. That the clerk of the House of Representatives be and is hereby directed to cause copies of this resolution to be sent to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Secretary of the Interior and each Senator and Representative from the Commonwealth of Kentucky in the Congress of the United States.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 79**, **HB 129**, **HB 153** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Senator Willis assumed the Chair.

House Message

The Clerk of the House delivered a message from the Governor on **HB 157** in which the Governor vetoed **HB 157**.

Announcing passage of **HB 265**, **HB 442**, **HB 534**, **HB 206**. Ordered that said bills be referred.

The President assumed the Chair.

Motions

Senator Reuscher moved to suspend the Rules for the purpose of appointing Honorary Pages in the Senate. Agreed.

Senator Reuscher moved that Terry Lee Hirschfield, Toby Lynn Hirschfield, James B. Kemmerling and Margaret Hines be made Honorary Pages of the Senate. Agreed.

Senator McCann moved that Florence Govan be made an honorary Page of the Senate. Agreed.

Lieutenant Governor Harry Lee Waterfield moved that Cindy Howser, Ann Leslie Perkins, Benjamin Todd Crutcher, Donna Jo Crutcher, Sharon Gale Fain, Cheryl Dale Fain, William Jeffery Easley, Karen Patrice Frogge and Barbara Ann Munson be made Honorary Pages of the Senate. Agreed.

Senator Bassett moved adjournment until 1:00 p.m., Wednesday, March 19, 1958. Agreed.

WEDNESDAY, MARCH 19, 1958

FIFTY-EIGHTH LEGISLATIVE DAY

The Senate was called to order by the President, Lieutenant Governor Harry Lee Waterfield.

Prayer by the Reverend Carter Roberts, of the Church of the Nazarene, Frankfort, Kentucky.

The roll was called. All members present except Senator Blake, who was granted leave of absence on motion of Senator McCann.

The reading of the Journal for Tuesday, March 18, 1958, dispensed with and the same approved on motion of Senator McCann.

Motions

Senator Blue moved that **HB 510** be taken from the Rules Committee, read for the third time and placed on passage. Senators Blue and Melton requesting a roll call on said motion, it was so ordered.

On roll call, the vote was: Yeas, 14—Blue, Bonn, Clay, Duffy, Francis, Freeman, Hickerson, Kidwell, McCann, Melton, Reuscher, Ware, Willis, Young; Nays, 3—Byers, Howell, Lucas.

The motion was lost.

Senator Bassett moved that the vote by which said motion failed to pass be reconsidered and said motion be laid on the table. Agreed by voice vote.

Senator Fields moved that Patricia Ann Campbell be made an Honorary Page of the Senate. Agreed.

Senator McCann moved that Bruce Steller, Arthur Orr be made Honorary Pages of the Senate. Agreed.

Senator Young moved that Darby Dee Tanner be made an Honorary Page of the Senate. Agreed.

Lieutenant Governor Harry Lee Waterfield moved that James Michael Fleming, Barbara Claire Fleming and Becky Cox Darnell be made Honorary Pages of the Senate. Agreed.

Senator Kidwell moved that Marvin Glazer and Shelley Lee Peyton be made Honorary Pages of the Senate. Agreed.

Senator Freeman moved that John Buckingham Browning be made an Honorary Page of the Senate. Agreed.

Senator Hamilton moved that Stephen D. Price, Jane Allen Price, Mary B. Whitt, Paula Ann Feedback, Barry Russell Feedback, Jan Dolores Feedback, Tommy Gaines and Carrie Jane Blakemore be made Honorary Pages of the Senate. Agreed.

Senator Warinner moved that Bobby Joe Roberts be made an Honorary Page of the Senate. Agreed.

Senator Blue moved that Mary DeLaine Ramsey, Michael Jeffress, William Vaughn McCord, Randall Bruce McCarty, Billy Curry, Rebecca Jane Oakley, Mark Darrell Wright and Carolyn Mitchell be made Honorary Pages of the Senate. Agreed.

Veto Message

The Clerk of the Senate read the message from the Governor of the Commonwealth of Kentucky in which the reasons for the veto of **HB 157** were stated as follows:

VETO MESSAGE

House Bill 157 General Assembly

Regular Session 1958

House Bill 157 passed by the General Assembly at the Regular Session 1958 provides that \$7,500 in state funds be paid to any school district maintaining a separate school for the benefit of handicapped and retarded children in addition to funds already provided under the public school foundation program.

In my judgment this legislation is contrary to the public interest for the following reasons:

(1) The general fund cost in the 1958-60 biennium would be at least \$225,000 since fifteen classroom units for handicapped and retarded children exist today in separate facilities. The bill does not provide a maximum limit of expenditures and if all units approved under the foundation program were transferred to separate facilities, the total cost of the legislation would be \$2,535,000 during the 1958-60 biennium. This cost would be prohibitive with the present status of the general fund.

(2) Today the public school system receives its state support in the form of a unified program grant on the basis of services rendered. Any additional funds received by the local school district should become an integral part of the foundation program grant.

(3) The legislation is in opposition to the thinking of leading educators in the field of special education for handicapped children. It is their thinking that the handicapped child benefits more from a special educational program integrated into the regular school program. The appropriation resulting from this legislation is contingent upon the provision of separate facilities for these children.

Realizing full well the additional cost of special education for handicapped and retarded children, and recognizing the need for more adequate services in this area, it is my view that this legislation would not be in the best interest of the handicapped child.

I, therefore, veto said House Bill No. 157.

Signed this 14th day of March, 1958.

Albert B. Chandler

Governor, Commonwealth of Kentucky

Senator Robinson moved that **HB 157** be put to passage, the veto of the Governor to the contrary notwithstanding. Agreed.

On roll call, the vote was: Yeas, 14—Blue, Bonn, Mrs. J. H. Davis, Duffy, Francis, Freeman, Hickerson, McCann, Melton, Miller, Robinson, Ware, Willis, Young; Nays, 7—Bassett, Clay, Howell, Jackson, Kelly, Kidwell, Reuscher.

Since **HB 157** did not receive a constitutional majority of the members of the Senate, said bill was lost.

House Message

Announcing passage of **HB 172, HB 177, HB 267, HB 341, HB 405, HB 408, HB 498, HB 517, HB 523, HB 590, HB 605**. Ordered that said bills be referred.

Introductions

SR 96, by Senator Bassett: A CONCURRENT RESOLUTION relating to the desirability of perpetuating the present favorable climate in Kentucky.

WHEREAS, an environment conducive to economic prosperity, and progress is defined as follows:

1. Fair and equitable treatment in general legislation and administrative regulation for all segments of Kentucky's economy.
2. A framework of government the support of which adds no greater cost to doing business than the cost of government imposed by other states of similar industrialization and favorable business climate.
3. Equitable tax policies and restriction of the cost of government to reasonable levels.
4. Fair treatment for all in legislation and administration of labor-management relations affairs.
5. Fostering, in the public interest, an economic atmosphere which will enable Kentucky industry and agriculture to compete for out-of-state markets, remembering that wide marketing of Kentucky products brings wealth into the Commonwealth, thereby raising the standard of living of all our people; and

WHEREAS, during the last ten years, under its prevailing favorable business environment, Kentucky has attracted some 1,170 new manufacturing plants and expansions, with a capital investment of more than two billion dollars (\$2,000,000,000); and

WHEREAS, for reasons hereinafter set forth, it is of great importance that Kentucky continue to maintain its good business climate; and

WHEREAS, despite Kentucky's rapid industrial development in recent years, thousands of its youth are obliged to leave the State annually because of a lack of good job opportunities, arising largely from increasing mechanization of our farms and mines; and

WHEREAS, this out-migration of our population, with its attending waste of educational investment shared in by all the taxpayers of the Commonwealth, can be halted by accelerated beneficial exploitation of Kentucky's resources and favorable market position; and

WHEREAS, basic industry and agriculture are the prime movers of the rest of the business economy; and

WHEREAS, healthy industry broadens the tax base, thereby providing much-needed revenues for community facilities and government services necessary for our people in a modern society; and

WHEREAS, in the present era of industrial expansion, decentralization and relocation throughout the United States, and in the anticipated continuation of this movement, industrial companies, selecting new locations for production facilities, are and can be expected to continue to be vitally concerned about the relative business climate among the several states; and

WHEREAS, just as a favorable business environment attracts new, needed industrial payrolls, attitudes which create an unfavorable business climate could tend to deter the coming to Kentucky of manufacturing plants which, in the decentralization and relocation processes, are free to seek the most favorable locations elsewhere in the Ohio River Valley and Southeast for serving the rapidly growing industrial and consumer markets within these regions; and

WHEREAS, preservation of our good business climate is in the public interest and can be continued without discriminating against any other interest in Kentucky;

NOW, THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

That this Legislature hereby recognizes past and present Governors of the State, along with the Department of Economic Development and other departments of State Government, the Kentucky Chamber of Commerce and various other private organizations representing business and labor, for their contributions to Kentucky's currently favorable business climate; and

That the members of this Legislature shall go on record as exhorting all future Legislatures, Governors and Department officials of the Commonwealth to examine all proposed legislation and discretionary actions in any way relating to business, industry, and agriculture to determine whether such legislation and actions may have any subsequent discriminating or deterring effect upon the investment of capital and the creation of needed payrolls in Kentucky; and

That the Chief Clerk of the General Assembly is hereby directed to transmit suitable copies of this resolution to the Governor, the Lieu-

tenant Governor, the Secretary of State, the Attorney General, to each commissioner or head of every department in the Government of the Commonwealth of Kentucky, and to the Kentucky Chamber of Commerce, the Associated Industries of Kentucky, local chambers of commerce and the heads of all labor organizations operating in the State.

Senator Bassett moved the adoption of said resolution. Adopted by voice vote.

SR 97, by Senator Warinner: A JOINT RESOLUTION directing a study of exceptional, retarded, and normal children by the Legislative Research Commission.

WHEREAS, it appears that the best interests of the Commonwealth require a study of its exceptional children, who have great potential, particularly in the fields of science;

WHEREAS, the retarded children of the Commonwealth can be aided for the mutual benefit of all citizens;

WHEREAS, the normal children of the state constitute the backbone of society, and deserve full encouragement in all fields;

WHEREAS, there is need for the development of a kindergarten system in Kentucky;

NOW, THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission is authorized and directed to make a study of the exceptional, the retarded, and the normal school children of Kentucky, as well as the integrations of kindergartens with the public schools, and to file such study for use of the General Assembly and the Department of Education for future reference.

Senator Warinner moved the adoption of said resolution. Adopted by voice vote.

Report of Committees

The Rules Committee reported **HB 206**, **HB 265**, **HB 442**, **HB 534** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 206: AN ACT relating to gas pipe-line companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.485 of the Kentucky Revised Statutes is amended to read as follows:

Every gas pipe-line company obtaining gas from producing wells located within this state, upon the request of the owner of the property on or over which any producing well or gas gathering pipe line is lo-

cated or the owner of real estate whose property and point of desired service is located within one-half air-mile of said company's producing gas well or gas gathering pipe line, shall furnish gas service to such owner and applicant, subject to and upon the following terms, conditions and provisions, to-wit:

(1) The gas service shall be furnished at rates and minimum monthly charges determined by the Public Service Commission.

(2) The applicant for such gas service shall construct or cause to be constructed, and shall maintain and keep in good repair, the service lines, and shall provide and install or cause to be installed, and keep in good repair, the necessary automatic gas regulators, and shall pay the entire cost thereof. The company, at its own expense, shall provide, install and maintain the necessary gas meters.

(3) The construction of each service line, the installation, type and number of automatic gas regulators and gas meter or meters and the connection thereof with the gas producing well or pipe line shall be under the supervision of the Public Service Commission or an agent thereof; and, shall conform to such standards of safety, location and convenience as may be prescribed by said commission.

(4) Neither the gas producer nor the gas pipe-line company shall be responsible for maintaining any fixed or specified gas pressure. Neither the gas producer nor the gas pipe-line company shall be liable for any accident or accidental injuries or damages which may result from any defect or failure of any automatic gas regulator or for any leakage or other defect or failure of any service line installed or constructed by the applicant.

(5) Gas pipe-line companies shall serve property owners, under the provisions of this section, from either high or low pressure lines, whether or not on the discharge side of any compressor station.

(6) Nothing in this section shall be construed to restrict the right of any gas pipe-line company to abandon any gas well or any gathering pipe line, or any part thereof, and to remove any such abandoned pipe line or lines.

(7) Subject to the rules and regulations of the Public Service Commission, any service may be disconnected and discontinued by the company for failure of the customer to pay any bill as and when due and payable.

HB 265: AN ACT relating to stockyards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When the owner or operator of any licensed stockyards in this state shall be required by law or shall have any reason to utilize the services of a veterinarian, the said veterinarian shall be chosen by the owner or operator of the stockyards, and may be relieved of his duties at the pleasure of the owner or operator. Any veterinarian so em-

ployed shall be properly qualified and licensed to do business in this state.

HB 442: AN ACT relating to state lands and buildings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 56.500 of the Kentucky Revised Statutes is amended to read as follows:

No state agency, except as provided in this Chapter, shall have power or authority:

(1) To acquire by purchase, lease, condemnation or other means involving the expenditure of money, any real estate, except that any state agency having the power under other laws to acquire by purchase, lease, condemnation or other means may continue to exercise that power subject to the approval of the Commissioner of Finance;

(2) To lease, sell or convey any real estate belonging to the state or to any state agency, except that any state agency having the power under other laws to lease, sell or convey real estate devoted to the exclusive use of such agency may continue to exercise that power subject to the approval of the Commissioner of Finance.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

In any case where the real estate that is proposed to be sold, pursuant to KRS 56.463, is in the custody of a state agency, the department may submit to such agency a general description of the intended use of the land, along with such detailed information as the agency may require, but the finding of the department on the question of selling and conveying the real estate shall be final.

Section 3. A new section of the Kentucky Revised Statutes is created to read as follows:

When the department finds that buildings and improvements are needed on land occupied by the State Fair and Exposition Center to promote the purposes of the State Fair board, it may, in addition to the other methods prescribed by law, authorize the construction of such buildings and improvements by private capital under a lease-back agreement consistent with such purposes.

To accomplish such a plan, the department may convey to a private corporation or individual subject to a contract to construct such buildings and improvements and to reconvey the land, buildings and improvements to the state encumbered by a mortgage to secure a portion of the construction costs, provided the mortgage shall not constitute a general obligation or debt of the commonwealth and that in the event of default, the commonwealth may, if it so elects, redeem the mortgage. Any such authorization shall be made only with the consent of any state agency occupying or using the land and shall be in the name of the Commonwealth of Kentucky and shall be signed by

the Commissioner of Finance and the Governor and lodged for record in the office of the Secretary of State.

HB 534: AN ACT relating to transmission of natural gas.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 278.485 of the Kentucky Revised Statutes is amended to read as follows:

Every gas pipe line company obtaining gas from producing wells located within this state, upon the request of the owner of the property on or over which any producing well or gas gathering pipe line is located or the owner of real estate whose property and point of desired service is located within one-half air-mile of said company's producing gas well or gas gathering pipe line, shall furnish gas service to such owner and applicant, subject to and upon the following terms, conditions and provisions, to-wit:

(1) The gas service shall be furnished at rates and minimum monthly charges determined by the Public Service Commission.

(2) The applicant for such gas service shall construct or cause to be constructed, and shall maintain and keep in good repair, the service lines, and shall provide and install or cause to be installed, and keep in good repair, the necessary automatic gas regulators, and shall pay the entire cost thereof. The company, at its own expense, shall provide, install and maintain the necessary gas meters.

(3) The construction of each service line, the installation, type and number of automatic gas regulators and gas meter or meters and the connection thereof with the gas producing well or pipe line shall be under the supervision of the Public Service Commission or an agent thereof; and, shall conform to such standards of safety, location and convenience as may be prescribed by said commission.

(4) Neither the gas producer nor the gas pipe-line company shall be responsible for maintaining any fixed or specified gas pressure. Neither the gas producer nor the gas pipe line company shall be liable for any accident or accidental injuries or damages which may result from any defect or failure of any automatic gas regulator or for any leakage or other defect or failure of any service line installed or constructed by the applicant.

(5) Nothing in this section shall be construed as requiring any gas pipe line company to serve any such owner of property or applicant from any line or lines established on the discharge side of any compressor station, or from any line or lines serving or connecting with any gas storage field. The provisions of this section shall apply only to producing gas wells and to gas pipe lines commonly known as gathering lines.

(6) Every gas pipe line company operating for the transmission of natural gas and supplying gas to any city, town or municipality

within this state shall upon the request of the owner of the property upon which any gas transmission line is located, furnish service to such owner at rates determined by the Public Service Commission.

(7) The gas service shall be furnished at rates and minimum monthly charges determined by the Public Service Commission. The gas company, for such service, shall construct or cause to be constructed and maintain and keep in good repair the service lines. It shall install or cause to be installed the necessary gas regulators and shall pay the cost thereof, and shall provide and maintain the necessary gas meters.

(8) Nothing in this section shall be construed to restrict the right of any gas pipe line company to abandon any gas well or any gathering pipe line, or any part thereof, and to remove any such abandoned pipe line or lines.

(9) Subject to the rules and regulations of the Public Service Commission, any service may be disconnected and discontinued by the company for failure of the customer to pay any bill as and when due and payable.

Calendar

HB 236, HB 320, HB 371, HB 412, HB 461, HB 522, HB 546, HB 36, HB 38, HB 171, HB 194, HB 295, HB 321, HR 36, HR 126, HB 443, HB 626, HR 18, HR 17, HR 16, HR 15, HR 89, HR 90, HR 117 were taken from the Calendar and ordered read at length for the second time. Senator Bassett moved that they be read by title only. Agreed by a majority of the members elected. Ordered placed in the Orders of the Day.

Orders of the Day

SB 296 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Howell proposed an Amendment to **SB 296**.

Amend printed copy of **SB 296** on page 1 by deleting all after the enacting clause and inserting in lieu thereof the following:

Section 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended by the ratification of a new section, to read as follows:

The General Assembly shall by law provide for the issuance and sale of bonds of the Commonwealth, notwithstanding the limitation of indebtedness in Section 49 or any other section of the Constitution of Kentucky, which shall be in addition to all other bonds of the Commonwealth heretofore authorized. The proceeds of such additional bonds, or so many thereof as may be necessary for the purpose, shall be used and appropriated solely for the purpose of paying a cash bonus not to exceed \$500 for service outside the continental limits of the

United States, and \$300 for service in the continental United States to the veterans, their widows or heirs, or next of kin, of the Spanish-American War, World War I, World War II, and the Korean Conflict, who were residents of the Commonwealth at the time of their entry into the service and at least six months prior thereto. The General Assembly at the same session authorizing the issuance of the bonds shall levy a tax upon all retail sales at such a rate as will pay the interest upon and retire the bonds in not less than 30 years, provided that retail sales of food and food products, medicines and clothing may be exempted from such tax.

Section 2. In any election the form of the proposal shall be "Are you in favor of the issuance and sale of bonds to pay a bonus to veterans of the Spanish-American War, World War I, World War II, and the Korean Conflict, which bonds shall be paid from the proceeds of a tax levied upon retail sales?"

Section 3. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the time and in the manner provided for under Sections 256 and 257 of the Constitution and under Sections 118.170 and 118.430 of the Kentucky Revised Statutes.

Senator Howell moved the Previous Question on the Amendment to **SB 296**. Agreed.

Senators Howell and Clay requesting a roll call on the adoption of the Amendment, it was so ordered.

On roll call, the vote was: Yeas, 28—Anggelis, Bassett, Blue, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Knuckles, Lucas, McCann, Melton, Overbev, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 3—Bonn, Clay, Duffy.

The Amendment to **SB 296** was adopted.

On roll call, the vote on **SB 296** as amended was: Yeas, 27—Anggelis, Bassett, Blue, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Knuckles, Lucas, McCann, Overbey, Reuscher, Robinson, Van Hoose, Warinner, Willis; Nays, 4—Bonn, Clay, Duffy, Young.

Senator Van Hoose moved that the names of Senator Warinner and Senator McCann be added as co-sponsors of **SB 296**. Agreed.

Senator Howell moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 355 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Howell moved the Previous Question on **SB 355**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blue, Bonn, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 355 was passed and the title agreed to.

SB 328 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Jackson moved the Previous Question on **SB 328**. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 328 was passed and the title agreed to.

SB 342 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **SB 342**. Agreed.

On roll call, the vote was: Yeas, 36—Anggelis, Bassett, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 342 was passed and the title agreed to.

SB 350 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Clay moved the Previous Question on **SB 350**. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Overbey, Reuscher, Richmond, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 350 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed by voice vote.

The President Pro Tempore assumed the Chair.

SB 250 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Richmond moved the Previous Question on **SB 250**. Agreed.

On roll call, the vote was: Yeas, 26—Anggelis, Bassett, Blue, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Duncan, Fields, Francis, Greene, Hamilton, Hickerson, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Overbey, Reuscher, Richmond, Warinner, Willis, Young; Nays, 8—Bonn, Duffy, Freeman, Howard, Melton, Miller, Robinson, Ware.

SB 250 was passed and the title agreed to.

Senator Overbey moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Senators Overbey and Anggelis demanding a roll call on said motion, it was so ordered.

On roll call, the vote was: Yeas, 24—Anggelis, Bassett, Bonn, Cornett, C. H. Davis, Duncan, Fields, Francis, Greene, Hamilton, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, Melton, Miller, Overbey, Reuscher, Richmond, Van Hoose, Willis, Young; Nays, 9—Blue, Byers, Duffy, Freeman, Hickerson, Howard, McCann, Ware, Warinner.

Said motion carried.

SR 84 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that **SR 84** be adopted by voice vote. Agreed, and said resolution so adopted.

SB 268 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Hamilton proposed an Amendment to **SB 268**.

Amend printed copy of **SB 268** on page 2, line 27 by striking the word "twelve" and substituting the word "thirteen"; on page 2, line 28, by striking the word "twelve" and substituting the word "thirteen"; on page 2, line 33, by striking the word "twenty-four" and substituting

the word "twenty-six"; on page 2, line 38, by striking the word "twelve" and substituting the word "thirteen"; on page 3, line 47, by striking the word "twelve" and substituting the word "thirteen"; on page 3, line 50, by striking the word "twelve" and substituting the word "thirteen"; on page 3, line 56, by striking the word "twelve" and substituting the word "thirteen"; on page 3, line 60, by striking the word "twelve" and substituting the word "thirteen"; on page 4, line 75, by striking the word "twelve" and substituting the word "thirteen."

Senator Hamilton moved the adoption of said amendment. Adopted by voice vote.

Senator Hamilton moved the Previous Question on **SB 268** as amended. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Willis; Nays, 0.

SB 268 was passed and the title agreed to.

Senator Hamilton moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 298 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Hamilton moved the Previous Question on **SB 298**. Agreed.

On roll call, the vote was: Yeas, 32—Bassett, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Willis, Young; Nays, 0.

SB 298 was passed and the title agreed to.

Senator Hamilton moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

SB 313 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Van Hoose moved the Previous Question on **SB 313**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis,

Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner; Nays, 1—Willis.

SB 313 was passed and the title agreed to.

HB 298 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Kelly moved the Previous Question on **HB 298**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Warinner, Willis; Nays, 0.

HB 298 was passed and the title agreed to.

SB 344 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Howell moved the Previous Question on **SB 344**. Agreed.

On roll call, the vote was: Yeas, 26—Anggelis, Bassett, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Lucas, McCann, Miller, Overbey, Richmond, Robinson, Van Hoose, Warinner, Willis; Nays, 0.

SB 344 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed by voice vote.

Recess

Senator Bassett moved that the Senate recess for fifteen minutes. Agreed by voice vote. At the appointed hour, the President of the Senate called the Senate to order.

Orders of the Day

HB 174 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 174**. Agreed.

On roll call, the vote was: Yeas, 29—Anggelis, Bassett, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Greene, Hamilton, Hickerson, Howell, Jackson, John-

son, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Van Hoose, Ware; Nays, 2—Blue, Richmond.

HB 174 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 550 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 550**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Bonn, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Miller, Overbey, Reuscher, Richmond, Van Hoose, Ware, Warinner, Willis, Young; Nays, 2—Freeman, Melton.

HB 550 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 319 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Agreed by a majority of the members elected.

Senator Lucas moved the Previous Question on **HB 319**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blue, Bonn, Byers, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

HB 319 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 466 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 466**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Bonn, Byers, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

HB 466 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 139 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved the Previous Question on **HB 139**. Senators Clay and Bonn demanding a roll call on the motion for Previous Question, it was so ordered.

On roll call, the vote was: Yeas, 23—Bassett, Byers, C. H. Davis, Duffy, Duncan, Fields, Francis, Greene, Hamilton, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, Miller, Overbey, Reuscher, Richmond, Robinson, Warinner, Willis; Nays, 5—Anggelis, Bonn, Clay, McCann, Ware.

Said motion carried.

On roll call, the vote on **HB 139** was: Yeas, 22—Anggelis, Bassett, Byers, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Greene, Hamilton, Howard, Howell, Jackson, Kelly, Lucas, Miller, Overbey, Richmond, Robinson, Van Hoose, Warinner; Nays, 6—Blue, Bonn, Clay, Hickerson, McCann, Willis.

HB 139 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 109 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Fields moved the Previous Question on **HB 109**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blue, Bonn, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 1—Miller.

HB 109 was passed and the title agreed to.

Senator Fields moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 73 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 73**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Bonn, Byers, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis Young; Nays, 0.

HB 73 was passed and the title agreed to.

Senator Duffy assumed the Chair.

HB 476 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved the Previous Question on **HB 476**. Agreed.

On roll call, the vote was: Yeas, 28—Anggelis, Bassett, Blue, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Hamilton, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Willis, Young; Nays, 1—Bonn.

HB 476 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

The President of the Senate assumed the Chair.

Report of Committees

Senator Bassett moved to suspend the Rules for the purpose of making a committee report. Agreed.

The Rules Committee reported **HB 172, HB 177, HB 267, HB 341, HB 405, HB 408, HB 498, HB 517, HB 523, HB 590, HB 605** with the expression of opinion that the same should pass. Read at length for the first time and ordered placed in the Calendar.

HB 172: AN ACT relating to optometry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 320.360 of the Kentucky Revised Statutes is amended to read as follows:

All fees imposed and collected under the provisions of this chapter shall be paid to the secretary-treasurer of the board for the use of the board, and shall be deposited in the State Treasury to the credit of an agency fund for the use of the board. The board may make such expenditures from the fund as may, in the opinion of the board, serve to further the purposes of KRS Chapter 320, including payment for professional services.

HB 177: AN ACT relating to medical care for indigent persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The General Assembly of the Commonwealth of Kentucky hereby recognizes and declares that it is an essential function, duty, and responsibility of the Government of this Commonwealth to provide, within its budgetary limitations, for the medical care of its indigent citizenry.

Section 2. As used in this Act unless the context indicates otherwise:

(1) "Council" means the State Advisory Council for Medical Care of the Indigent;

(2) "Dentist" means a person licensed by the State Board of Dental Examiners to practice dentistry in Kentucky;

(3) "Hospital" means any institution licensed as such by the State Board of Health;

(4) "Pharmacist" means a person licensed by the Kentucky Board of Pharmacy to practice pharmacy in Kentucky;

(5) "Public Assistance Recipient" means a person who has been certified by the Division of Public Assistance of the Department of Economic Security as being eligible for, and a recipient of, public assistance under the provisions of Chapter 205 of the Kentucky Revised Statutes or a person whose dependency on such recipient is recognized in the determination of budgetary requirements for such payments;

(6) "General Assistance Recipient" means a person who has been certified by the Division of Public Assistance of the Department of Economic Security as being eligible for, and a recipient of, tax supported public assistance for maintenance other than as provided under the provisions of Chapter 205 of the Kentucky Revised Statutes, or a person whose dependency on such recipient is recognized in the determination of budgetary requirements for such payments;

(7) "Medically Indigent Person" means a person who is domiciled in this state and who is unable, through his own resources or through resources available to him, to provide himself with essential medical care without depriving himself or his dependents of necessary food, shelter, clothing, or the other necessities of life, and who does not fall within the definition of "Public Assistance Recipient" or "General Assistance Recipient" as defined in Subsection (5) or (6) of this section;

(8) "Medical Care" means essential medical, surgical, dental, optometric and nursing services in the home, office, hospital, clinic, or other suitable place which are provided or prescribed by physicians, optometrists or dentists licensed to render such service, including drugs and medical supplies, visual aid glasses, appliances, labora-

tory, diagnostic, and therapeutic services, nursing home and convalescent care, and such other essential medical services and supplies as may be prescribed by such persons;

(9) "Nursing Home" means any institution licensed as such by the State Board of Health;

(10) "Physician" means any person licensed to practice medicine or osteopathy in Kentucky;

(11) "Federal-State Medical Care Fund" means a trust and agency fund established, maintained, and operated by the Department of Economic Security as an arrangement to meet the cost of medical care for public assistance recipients and into which payments are made in behalf of each public assistance recipient covered by the fund;

(12) "State-County Medical Care Fund" means a trust and agency fund established, maintained, and operated as an arrangement to meet the costs of medical care for general assistance recipients and medically indigent persons and into which payments are made;

(13) "Vendor Payment" means a payment for medical care which is paid by the Department of Economic Security directly to the authorized person or institution which rendered medical care to a public assistance recipient, general assistance recipient, or to a medically indigent person.

Section 3. (1) There is hereby created a State Advisory Council for Medical Care of the Indigent. The council shall consist of eleven members. The Commissioner of Health and the Commissioner of the Department of Economic Security shall be ex-officio members. The other nine members of the council shall be appointed by the Governor and shall hold office for a term of four years and until their successors are appointed and qualify, except that the members appointed to fill the first vacancy occurring for a term beginning on July 1, 1958, shall be as follows: Two members shall be appointed for one year, two for two years, two for three years, and three for four years, and the respective terms of the first members shall be designated by the Governor at the time of their appointment. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be four years or until his successor shall be appointed and qualify. No member of the council shall be a stockholder or have any financial interest in any hospital, nursing home, or related institution. One appointive member of the council shall be a physician licensed to practice medicine in Kentucky and shall be appointed from a list of three names submitted by the Kentucky State Medical Association. One member of the council shall be a dentist licensed to practice dentistry in Kentucky and shall be appointed from a list of three names submitted by the Kentucky State Dental Association. One member of the council shall be ap-

pointed from a list of three names submitted by the Kentucky Hospital Association. One member of the council shall be a pharmacist licensed to practice pharmacy in Kentucky and shall be appointed from a list of three names submitted by the Kentucky State Pharmaceutical Association. One member of the council shall be a registered professional nurse licensed to practice in Kentucky and shall be appointed from a list of three names submitted by the Kentucky State Association of Registered Nurses. The other four appointive members shall be intelligent and discreet citizens residing within the Commonwealth, who are not members of professional groups which are recipients of vendor payments.

(2) Each appointive member of the council shall serve without compensation but shall be entitled to reimbursement for his actual and necessary expenses in attending meetings.

(3) The council shall elect a chairman, vice-chairman, and secretary from among its members at its first regular meeting in each fiscal year and may adopt rules and by-laws for its government. The council shall hold a meeting at least once every three months and such other special or regular meetings as may be desired.

Section 4. The council shall develop, formulate, promote, and recommend to the Commissioner of Economic Security for policies, plans, budgets, programs, and rules and regulations relating to:

(1) The administration of this Act;

(2) The utilization of facilities and personnel of the Department of Economic Security and the State Department of Health;

(3) The inclusion or exclusion, by regulation, of general assistance recipients or certain classes thereof;

(4) The inclusion or exclusion, by regulation, of medically indigent persons or certain classes thereof;

(5) The designation, by regulation, of quantity and quality standards and methods for determining costs for vendor payments for medical care services;

(6) The designation, by regulation, of the limitations, duration and frequency of medical care and vendor services that may be authorized for payment;

(7) The administration of grants, gifts, and contributions from the federal government, from county fiscal courts, from city legislative bodies, or from other sources, for the purpose of carrying out the intent and purposes of this Act;

(8) The establishment of and contribution to a federal-state medical care fund from funds appropriated from time to time by the General Assembly for public assistance recipients;

(9) The establishment of and contribution to State-County Medical Care Fund from funds appropriated from time to time

by the General Assembly for medical care of general assistance recipients and medically indigent persons on a formula contribution basis promulgated by the Department of Economic Security;

(10) The conducting of studies, research, demonstrations, and surveys to carry out the intent and purposes of this Act;

(11) The agreements and contracts for the administration of this Act;

(12) The utilization of facilities and personnel of local health departments and local public assistance offices;

(13) The periodic evaluation of the program and publication of reports thereof; and

(14) The formulation of such modifications, expansions, or contractions in the program as may be desirable or necessary.

Section 5. (1) The scope of medical care for which the Department of Economic Security undertakes to pay shall be designated and limited by regulation. The selection of the class or classes of medical care services shall be recommended by the council to the Commissioner of Economic Security after taking into consideration, among other things, the amount of federal, state, and local funds available and the most essential needs of public assistance recipients, general assistance recipients or medically indigent persons. The scope may:

(a) Be confined to hospital care only; to general practitioners' services only; to specialist services only; or to parts or combinations thereof;

(b) Include home nursing care, dental care, drugs, laboratory services or parts or combinations thereof; or

(c) Include or exclude any part of the services provided for under the definition of the term "medical care" in subsection (3) of Section 2 of this Act.

(2) No vendor payment shall be made unless the class and type of medical care rendered has first been designated by regulation.

(3) The standards and methods for determining costs for vendor payments designated by regulations need not be uniform for the entire state but may vary from county to county and from city to city due to the prevailing cost of medical care in such locale and due to other local economic and geographic conditions.

Section 6. (1) The Department of Economic Security shall retain all responsibility relating to the certification of eligibility of all recipients and with all other fiscal matters relating to this Act.

(2) There is hereby created within the State Department of Health a Division of Medical Care which shall be charged with the responsibility of carrying out the duties of the department under any agreement or contract with the Department of Economic Security.

(3) The Department of Economic Security shall not be charged with responsibility for the mechanism of the medical administration of this Act but shall contract with the State Department of Health for the purpose of carrying out all medical matters relating to this Act including, but not limited to, the certifying of the cost, need, and reasonableness of all medical expenses in accordance with quantity and quality standards and methods.

(4) The Department of Economic Security and Department of Health shall provide to the council such information as it may require for proper evaluation of the operation of the program.

Section 7. As state funds become available, fiscal courts and city legislative bodies shall appropriate and contribute to a State-County Medical Care Fund for general assistance and medically indigent persons of the county. Such appropriations and contributions shall be on a formula basis promulgated by the Department of Economic Security and shall be deemed to be essential governmental expenditures. The formula need not be uniform for the entire state but may vary from county to county and from city to city due to variations in population and economic and geographic conditions including resources, industrialization, tax assessments and tax rates, and other local factors and conditions.

Section 8. (1) The following state-wide technical advisory committees are hereby created for the purpose of acting in an advisory capacity to the State Advisory Council for Medical Care of the Indigent with respect to the administration of this Act;

(a) A Technical Advisory Committee on physician services consisting of five members appointed by the council of the Kentucky State Medical Association. All members shall be physicians licensed to practice medicine in Kentucky;

(b) A Technical Advisory Committee on Hospital Care consisting of five members appointed by the Board of Trustees of the Kentucky Hospital Association;

(c) A Technical Advisory Committee on Dental Care consisting of five members appointed by the Kentucky State Dental Association. All members shall be licensed to practice dentistry in Kentucky;

(d) A Technical Advisory Committee Nursing Service consisting of five members appointed by the Board of Directors of the Kentucky State Association of Registered Nurses. All members shall be registered professional nurses licensed to practice in Kentucky;

(e) A Technical Advisory Committee on Drugs consisting of five members appointed by the Kentucky State Pharmaceutical Association. All members shall be licensed by the Kentucky Board of Pharmacy;

(f) A Technical Home Advisory Committee on nursing home care consisting of five members appointed by the Kentucky Association of Nursing Homes.

(2) The Advisory Committee members shall serve for terms of five years and until their successors are appointed and qualify.

Section 9. The Commissioner of Health shall appoint a County Medical Care Review Committee for each county of the Commonwealth consisting of three licensed medical physicians. The duties, responsibilities, and terms of office of such committee shall be defined by regulation. Appointments shall be made from a list of three names for each position submitted by the Kentucky State Medical Association.

Section 10. Any person who knowingly makes a false statement, or represents or knowingly fails to disclose a material fact or by impersonation or other fraudulent device obtains or attempts to obtain or aids or abets any person to obtain or attempt to obtain, any medical care benefits under the provisions of this Act shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not more than thirty days, or both. Each false statement, representation, failure, or violation, and each benefit payment made in reliance of such false statement, representation, failure or violation, shall constitute a separate offense.

Section 11. Payments into the Federal-State Medical Care Fund shall be irrevocable and shall:

(a) Be beyond the power of the Department of Economic Security to use for any other purpose than that for which it was created; and

(b) Be dedicated to the payment of costs of medical care for public assistance persons. Federal-State Medical care funds shall be subject to federal participation as an assistance expenditure for medical care in behalf of public assistance recipients.

Section 12. Payments into the State-County Medical Care fund shall be irrevocable and shall:

(a) Be beyond the power of the Department of Economic Security to use for any other purpose than that for which it was created; and

(b) Be dedicated to the payment of medical care for general assistance recipients and medically indigent persons with respect to which payments are made. State-County Medical Care funds shall be subject to county participation as an assistance expenditure for medical care in behalf of general assistance recipients and medically indigent persons.

Section 13. This Act shall become effective on July 1, 1958.

HB 267: AN ACT relating to motor vehicles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 186.600 of the Kentucky Revised Statutes is amended to read as follows:

No person under the age of eighteen shall drive a motor vehicle while it is in use as a school bus for the transportation of pupils to or from school, or a church bus for the transportation of children to or from church, or drive a motor vehicle while it is in use as a public passenger-carrying vehicle.

Section 2. Section 189.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) Whenever any school bus or church bus used in the transportation of children is stopped upon a highway for the purpose of receiving or discharging passengers, the operator of a vehicle approaching from any direction shall bring his vehicle to a complete stop and shall not start up or attempt to pass until the bus has completed receiving or discharging passengers and has been put into motion.

(2) Subsection (1) shall be applicable only in the event the bus bears on the front and rear a plainly visible sign containing the words "School Bus" or "Church Bus," whichever is appropriate, in letters not less than six inches in height, which can be covered when the vehicle is not in use as a school or church bus.

Section 3. Section 189.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety, and only after a clearly audible signal has been given by sounding the horn if any pedestrian shall be affected by the movement. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

(2) A signal of the intention to turn right or left shall be given continuously for not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the operator of any vehicle immediately in the rear when there is opportunity to give such signal.

(4) All signals required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or a mechanical signal device, except that the operator of a motor vehicle used for the transportation of persons for hire with taxicabs excluded, the operator of a school or church bus, and the operator of any vehicle so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle shall indicate an intention to turn by use of a signal lamp or lamps or mechanical signal device and must indicate an intention to stop or suddenly decrease speed by illuminating at least one red or yellow light with the word "Stop" on it on the rear of the vehicle.

(5) All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

- (a) Left turn—hand and arm extended horizontally;
- (b) Right turn—hand and arm extended upward;
- (c) Stop or decrease speed—hand and arm extended downward.

Section 4. Section 189.550 of the Kentucky Revised Statutes is amended to read as follows:

Operators of motor vehicles transporting children to or from school or church shall stop their motor vehicles before crossing over any stream or electric interurban railroad main tracks at a grade. The stop shall be made at not less than ten feet nor more than thirty feet from the nearest railroad over which the highway crosses, except where the crossing is protected by gates or a flagman employed by the railroad. After making the stop, the operator shall carefully look in each direction for approaching cars or trains and shall not start his vehicle until it is ascertained that no cars or trains are approaching in either direction.

HB 341: AN ACT relating to the Ohio River bed.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 56.220 of the Kentucky Revised Statutes is amended to read as follows:

All that portion of the bed of the Ohio River, lying north of the thread of the stream, except accretions to islands privately owned, is declared to be vacant and unappropriated land, and the county court of each county bordering on the Ohio River may use or lease the river bed for county purposes. Any lease of such river bed for development and/or removal of sand, gravel, gas, oil or other minerals or substances, conveys full right and title to the lessee of all interests embraced by the lease; and all rents, royalties and other proceeds from such lease shall be the property of the county bordering on the Ohio River and making such leases.

All monies paid into or to be paid into the State Treasury under the terms of leases heretofore made are appropriated to the counties bordering upon the Ohio River within whose boundaries the leases that produce the monies lie, and may be used for general county purposes.

HB 405: AN ACT relating to insurance, and amending certain sections of Chapter 304 of the Kentucky Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 304.069 of the Kentucky Revised Statutes is amended to read as follows:

An insurer which otherwise qualifies therefor may be authorized to transact any one or more kinds of insurance as defined in KRS 304.340 to 304.356 of this code; except that a life insurer shall transact, in addition, only disability insurance, but any life insurer which immediately prior to September 1, 1950, held a certificate of authority to transact in this state certain kinds of insurance in addition to life and disability, may continue to be so authorized by the commissioner.

A life insurer may, subject to the investment limitations of Chapter 304 of the Kentucky Revised Statutes, create a wholly owned subsidiary which may transact any one or more of the kinds of insurance, (including life insurance) as defined in KRS 304.340 to 304.356 of this code, and a life insurer may, subject to the investment limitations of such code, acquire stock of another insurer authorized to transact any one or more of such kinds of insurance.

A title insurer shall be a stock insurer, and shall transact no additional kind of insurance, and a reciprocal or Lloyd's insurer shall not transact life insurance.

Section 2. Section 304.417 of the Kentucky Revised Statutes is amended to read as follows:

(1) An insurer may invest and have invested at any one time not in excess of an aggregate of ten percent of its assets in securities provided in KRS 304.418, preferred stock of any company organized under the laws of the United States, a state of the United States, or the District of Columbia, and any evidence of indebtedness of such companies, other than the types specified in KRS 304.411, 304.412, and 304.415, if such company has continuously and regularly paid the dividends provided for by preferred stock, or the interest provided for by such evidence of indebtedness, as the case may be, during the five years preceding the investment; except, that with respect to securities issued within such five-year period, the foregoing respective requirements as to interest and dividend payments shall apply only from the date of issuance, and in such cases the net earnings of the company and its subsidiaries available for fixed charges of the company and its subsidiaries and the net earnings of any predecessor organizations and their subsidiaries, if any available for fixed charges of such predecessor organizations and their subsidiaries, must have averaged an amount per annum for the five fiscal years preceding the making of the investment at least equal to two times the total of the annual interest charges (including amortization of debt discount and expense) and dividends guaranteed, if any, and, where applicable, the preferred dividend requirement on a pro forma basis.

(2) For the purposes of this section, the term "net earnings available for fixed charges" means net income after deducting operating and maintenance expenses, taxes other than federal and state income taxes, depreciation and depletion, but excluding extraordinary non-recurring items of income or expense appearing in the regular financial statements of the issuing company.

Section 3. Section 304.418 of the Kentucky Revised Statutes is amended to read as follows:

(1) An insurer may invest in the stocks of state or national banks and trust companies, if:

(a) Such bank or trust company has been in existence for five years previous to the investment; and

(b) Such stock is not subject to assessment for double liability.

(2) An insurer may accept any such stock as collateral on a loan irrespective of such double liability.

(3) Investments under this section together with investments under KRS 304.417 shall not exceed ten percent of the insurer's assets.

Section 4. Section 304.839 of the Kentucky Revised Statutes is amended to read as follows:

The lives of a group of individuals may be insured under a policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustee is deemed the policyholder, insuring employes of the employer for the benefit of persons other than the employer, subject to the following requirements:

(1) The employes eligible for insurance under the policy shall be all of the employes of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employes of one or more subsidiary corporations, and the employes, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract, or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employes. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employe of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the employer's funds or funds contributed by him, or partly from such funds and partly from funds contributed by the insured employes, except that the entire premium may be paid from funds contributed by the insured employes if the amount of insurance does not exceed one thousand dollars on the life of any employe. A policy on which any part of the premium is to be derived

from funds contributed by the insured employees may be placed in force only if at least seventy-five percent of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least ten employees at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or by the employer or trustees. No policy may be issued which provides term insurance on any employee which together with any other term insurance under any group life insurance policy or policies issued to the employers or any of them or to the trustees of a fund established in whole or in part by the employers or any of them exceeds twenty thousand dollars, unless 150% of the annual compensation of such person from his employer or employers exceeds twenty thousand dollars, in which event all such term insurance shall not exceed forty thousand dollars or 150% of such annual compensation, whichever is the lesser.

Section 5. Section 304.842 of the Kentucky Revised Statutes is amended to read as follows:

The lives of a group of individuals may be insured under a policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements:

(1) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.

(2) The premium for the policy shall be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy may be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least seventy-five percent of the then eligible members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at least twenty-five members at date of issue.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the members or by the union. No policy may be issued which provides term insurance on any union member which, together with any other term insurance under any group life insurance policies issued to the union, exceeds twenty thousand dollars, unless 150% of the annual compensation of such person from his employer or employers exceeds twenty thousand dollars, in which event all such term insurance shall not exceed forty thousand dollars or 150% of such annual compensation, whichever is the lesser.

Section 6. Section 304.844 of the Kentucky Revised Statutes is amended to read as follows:

The lives of a group of individuals may be insured under a policy issued to the trustees of a fund established by two or more employers in the same industry or by one or more labor unions, which trustees shall be deemed the policyholder, to insure employes of the employers or members of the unions for the benefit of persons other than the employers or the unions, subject to the following requirements:

(1) The persons eligible for insurance shall be all of the employes of the employers or all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employes" shall include retired employes, and the individual proprietor or partners if an employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employe of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless he is actively engaged in and devotes a substantial part of his time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employes" shall include the trustees or their employes, or both, if their duties are principally connected with such trusteeship.

(2) The premium for the policy shall be paid by the trustees either; (a) wholly from funds contributed by the employer or employes of the insured persons, or by the union or unions, or by both; or (b) partly from such funds and partly from funds contributed by the insured employes or members. No policy may be issued under the provisions of this section on which the entire premium is to be derived from funds contributed by the insured employes or members. A policy on which part of the premium is to be derived from funds contributed by the insured employes or members may be placed in force only if at least seventy-five percent of the then eligible employes of any em-

ployer unit participating in the trust, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured employees or members, must insure all eligible employees or members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(3) The policy must cover at date of issue at least one hundred persons and not less than an average of five persons per employer unit; and if the fund is established by the members of an association of employers the policy may be issued only if; (a) either the participating employers constitute at date of issue at least sixty percent of those employer members whose employees are not already covered from group life insurance, or the total number of persons covered at date of issue exceeds six hundred; and (b) the policy shall not require that, if a participating employer discontinues membership in the association, the insurance of his employees shall cease solely by reason of such discontinuance.

(4) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers or unions. No policy may be issued which provides term insurance on any person which together with any other term insurance under any group life insurance policy or policies issued to the employers, or any of them, or to the trustees of a fund established in whole or in part by the employers, or any of them, exceeds twenty thousand dollars, unless 150% of the annual compensation of such person from his employer or employers exceeds twenty thousand dollars, in which event all such term insurance shall not exceed forty thousand dollars or 150% of such annual compensation, whichever is the lesser.

Section 7. There is hereby created a new section of Chapter 304 of the Kentucky Revised Statutes to read as follows:

An insurer may loan or invest its funds, to an amount not exceeding in the aggregate eight percent of its total admitted assets, in loans or in investments not qualifying or not permitted under Section 304.400 through 304.450 of the Kentucky Revised Statutes. Loans and investments made under this section shall not be subject to the percentage limitations set out in sub-sections (1) and (2) of KRS 304.403, subsection (2) of KRS 304.408, KRS 304.411, 304.412, 304.413, 304.415, 304.417 and 304.418.

Investments permitted under the provisions of this section shall include the use of funds by an insurer in organizing a wholly owned subsidiary for the purpose of transacting any one or more of the kinds of insurance, including life insurance, as defined in KRS 304.340 to 304.356.

HB 408: AN ACT relating to a county tax for cemetery maintenance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Upon petition filed with the county clerk, the fiscal court of any county shall authorize a vote upon the levy of a tax for the benefit of old and neglected cemeteries. The petition shall contain the names of at least twenty-five percent of the legal voters residing in the county, as determined by the registration figures, and shall request the fiscal court to submit to public vote the question of whether the voters desire a levy for caring for and maintaining the old and neglected cemeteries in the county. The petition shall be filed not less than sixty days before any regular election in the office of the county clerk requesting that the proposition be placed upon the ballot, with the rate of tax desired, not to exceed fifty cents on each one hundred dollars of assessed real property.

Section 2. When the petition is filed, the county judge shall order a vote at the next election and shall cause the question to be printed on a separate ballot. If a majority vote in favor of the tax, the fiscal court shall at its next regular meeting levy the tax.

HB 498: AN ACT relating to indigent tuberculosis patients.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) Every citizen and resident of the Commonwealth of Kentucky who has been discharged from a tuberculosis hospital within the Commonwealth of Kentucky who is recommended for continued drug therapy by the hospital director, and who, upon a showing to the commissioner of the State Board of Health that he or she cannot pay for such drug therapy, shall be granted a certificate by the State Board of Health which will entitle said person to secure all drugs needed for the treatment of tuberculosis without charge to such person.

(2) The cost of such drugs shall be paid by the State Board of Health upon presentment of the verified bill by the person dispensing said drugs.

Section 2. The sum of eighty five thousand dollars is hereby appropriated out of the General Fund to carry out the purposes of this Act. The sum shall not lapse at the end of the 1958-1959 fiscal year but shall be carried over into the 1959-1960 fiscal year.

HB 517: AN ACT relating to watchmaking.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context requires otherwise:

(1) The term "watchmaking" includes and means the repairing, replacing, rebuilding, reconditioning, cleaning, adjusting and regulating of the mechanical parts of watches and the manufacturing and fitting of parts designed for use or used in watches. **Such terms shall** not include or mean the manufacturing or repairing of watchcases, but shall include the repairing of all winding mechanisms whether they are parts of such cases or not.

(2) The term "board" as used in such sections shall mean the "Kentucky Board of Examiners in Watchmaking."

Section 2. No person shall engage in watchmaking for profit or compensation of any kind, without first obtaining a certificate of registration, as hereinafter provided, which certificate shall at all times be conspicuously displayed in his place of business.

Section 3. (1) There is created a "Kentucky Board of Examiners in Watchmaking" whose duties it shall be to carry out the provisions of this Act and to promote the education and training of watchmakers. The board shall consist of five members, appointed by the governor. All persons so appointed shall have been residents of this state and actually engaged in watchmaking for the last five years immediately preceding the time of their appointment. Members of the board shall be appointed for terms of four years and until their successors shall be appointed and qualified. The holders of such terms shall serve at the pleasure of the Governor.

(2) The board shall choose annually one of its members as president and one as secretary. The board shall meet at least once every six months at the state capitol and in addition thereto, whenever and wherever the officers shall call a meeting. A majority of the members of the board shall constitute a quorum. The board may retain legal counsel if deemed necessary. The secretary shall keep a full record of its proceedings, which shall be open to inspection at all reasonable times. The members and officers of the board shall be compensated as follows: Each member of the board shall be paid a per diem of \$15.00 for attendance at meetings not to exceed thirty days and shall be reimbursed for necessary expenses incurred in the performance of his duties. The secretary may be paid an annual salary to be determined by the board.

(3) The board may appoint such clerks and assistants as it may deem necessary to the execution of its functions and fix their salaries.

(4) The board shall, on the first day of January of each year, report its proceedings to the governor, including an account of moneys received and disbursed. The president and secretary shall file annually with the governor a verified list of watchmakers qualified to serve as members of the board.

Section 4. Applicants for certificates shall be examined at a time and place fixed by the board. Applications for examinations shall be filed with the board at least 10 days before the date set for the examination and shall be accompanied by an examination fee of \$20.00. The applicant shall be of good moral character, at least eighteen years of age, and shall have completed an apprenticeship of not less than one year or certificate of graduation from an accredited school.

Section 5. An applicant, to be entitled to a certificate, shall pass an examination before the board, which examination shall be confined to such knowledge, practical ability and skill as is essential in the proper repairing of watches, and shall include an examination of theoretical knowledge of watch construction and repair, and also a practical demonstration of the applicant's skill in the manipulation of watchmaker's tools. The board shall make rules and regulations for conducting examinations and shall define the standards of workmanship and skill. In case of failure at any examination, the applicant shall have the privilege of taking another examination at any other examination period upon payment of a fee of \$10.00.

Section 6. (1) If the applicant successfully passes the examination, the secretary of the board shall register such fact and shall issue to him a certificate of registration.

(2) A watchmaker in good standing, registered and licensed in another state and having engaged in watchmaking therein for two years immediately preceding his application for a certificate, upon filing with the board satisfactory proof thereof, may, in the discretion of the board, be issued a certificate without examination upon the payment of a fee of \$25.00, provided the standards in such other state are at least as high as those defined and established by the board.

(3) Persons actually engaged in watchmaking within this state prior to effective date of this Act shall be exempt from taking the examination herein provided application is made for a certificate within six months accompanied by an application fee of \$15.00 and his affidavit setting forth the fact of having so actually engaged in watchmaking, which affidavit shall be attested to by two freeholders in this state, and if the board shall be satisfied that such applicant is entitled thereto it shall cause its secretary to so register and issue a certificate of registration.

(4) Certificates of registration shall expire on December 31 of each year and may be renewed for one year upon the payment of a fee of \$15.00. Applications may be made for renewal after December 15 of each year.

Section 7. Any person sixteen years of age or over, of good moral character, indentured to a registered watchmaker may engage in watchmaking subject to the provisions of this Act upon obtaining

from the board a certificate of registration as an apprentice watchmaker, which certificate shall be conspicuously displayed at all times at the place of employment of such apprentice. Apprentice watchmakers shall pay a fee of one dollar for the certificate and shall pay a renewal fee of one dollar annually.

Section 8. (1) The board may revoke a certificate of registration upon the failure of the holder thereof to pay the annual renewal fee, upon giving said holder 30 days' notice in writing of such proposed revocation. Notice shall be sufficient when sent by registered mail to the last known address of the holder.

(2) The board may revoke a certificate of registration obtained through error of the board or fraud on the part of applicant, or if the holder is grossly incompetent, guilty of immoral or unethical conduct, or obtained or sought to obtain anything of value by fraudulent representations in the practice of watchmaking. The holder of such certificate shall be given 30 days' notice in writing enumerating the charges and specifying a date for the hearing on such charges. At the hearing he shall have the opportunity to confront witnesses against him and to produce evidence bearing on such charges. A stenographic record of all proceedings shall be made and transcript kept on file with the board. Any aggrieved holder may appeal to the Franklin Circuit Court on the board's ruling within fifteen days from entry of the order of revocation.

(3) One whose certificate has been revoked, may, upon the expiration of one year after such revocation, apply to the board for registration and upon satisfactory proof that the cause of revocation no longer exists, the board may, in its discretion, issue to said person a certificate of registration upon payment of the fees herein provided.

(4) "Unethical conduct" as used in this Act shall include and mean any conduct of a character likely to mislead, deceive or defraud the public; advertising of any character in which untruthful or misleading statements are made; advertising of prices on watch repairing or the giving of watchglasses, crystals or of any other watch parts, gratis or at less than cost, in order to advertise or increase watch repair business; performance of any service in pursuance of any such advertising; loaning of a certificate of registration to any person; failure to display the certificate of registration conspicuously at all times; representation that a watch has been cleaned although its major parts, train wheels and mainspring have not been disassembled and the capped jewels removed and all parts properly cleaned; performance of any work upon a watch in an unworkmanlike or unskilled manner; representation that certain services or parts are necessary or have been or will be used in the repair of a watch, although such services or parts are not necessary and have not been used in such repairs; employing directly or indirectly, any unregistered watchmaker to perform any watchmaking; or noncompliance, within thirty

days, with the directions given in a written notice from any provision of this Act.

Section 9. Anyone not having a certificate of registration, who shall hold himself out as a watchmaker or as qualified to do watchmaking, or anyone who shall violate any of the provisions of this Act shall be fined not less than twenty dollars nor more than one hundred dollars or imprisoned in the county jail not less than one month nor more than three months, or by both.

Section 10. As used in this section:

(1) "Person" means a person, firm, partnership, association or corporation, but shall not include a referee in bankruptcy, the executor or administrator of an estate, or any other officer of a court.

(2) "Consumer" means an individual, firm, partnership, association or corporation who buys for their own use, or for the use of another but not for resale.

(3) "Secondhand" watch means:

(a) A watch, which as a whole, the case thereof, or the movement thereof has previously been sold to a consumer.

(b) Any watch whose case or movement, serial numbers or other distinguishing numbers of identification marks have been erased, defaced, removed, altered or covered.

Section 11. Any person, or agent or employe thereof, who sells a secondhand watch shall affix and keep affixed to the same a tag with the words "secondhand" legibly written or printed thereon in the English language. For the purposes of this section, "sell" includes an offer to sell or exchange, expose for sale or exchange, possess with intent to sell or exchange, and sell or exchange.

(2) Any person, or agent or employe thereof, who sells a secondhand watch shall deliver to the vendee a written invoice setting forth the name and address of the vendor, the name and address of the vendee, the date of the sale, the name of the watch or its maker, and the serial numbers (if any) or other distinguishing numbers or identification marks on its case and movement. In the event the serial numbers or other distinguishing numbers or identification marks have been erased, defaced, removed, altered or covered, such facts shall be stated in the invoice. A duplicate of such invoice shall be kept on file by the vendor of such second-hand watch for at least one year from the date of the sale thereof and shall be open to inspection during all business hours by the commonwealth attorney, or his representative, of the county in which the vendor is engaged in business, or by the chief of police, or his representative, of the city in which such person is engaged in business. If the vendor does not maintain an established place of business within this state, he shall within two days after every such sale, file such duplicate copies in the office of the county clerk of the county in which such sale was made.

(3) Any person advertising in any manner secondhand watches for sale shall state clearly in such advertising that the watches so advertised are secondhand watches.

Section 12. Any person who violates any provision of Section 11 shall be fined not less than \$20.00 nor more than \$500.00, or imprisoned in the county jail not more than 100 days, or both.

HB 523: AN ACT relating to revenue and taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Kentucky Revised Statute 131.110 is amended to read as follows:

(1) The Department of Revenue or its agent shall mail to the taxpayer a notice of any tax assessed by it or its agents. Unless the taxpayer protests the assessment in the manner provided in this paragraph, the assessment shall be final at the expiration of thirty days from the date of notice, but the assessment shall be reviewable as provided in paragraph (2) of this section. Such protest shall be filed with the Department of Revenue in writing and shall be accompanied by a supporting statement setting forth the grounds for and information upon which the protest is made. Upon written request, the department may extend the time for filing the supporting statement if it appears that the delay is necessary and unavoidable. A refusal of such an extension may be reviewed in the same manner as in the case of a protested assessment. At the time of filing both the protest and the supporting statement, the taxpayer may request a ruling on the protest as filed or may request a conference with the department or its agent which shall be granted in writing stating the time set for the conference. The taxpayer may appear in person or by representative. After considering the taxpayer's protest, including any matters presented at such a conference, the department or its agent shall issue a final ruling thereon which shall be mailed to the taxpayer. The tax shall be due and payable upon the date the assessment becomes final unless the taxpayer petitions the Kentucky Tax Commission for a review thereof as provided in paragraph (2) of this section.

(2) Within fifteen days after an unprotested assessment by the Department of Revenue has become final, or within fifteen days from the date of notice of a final ruling by the Department of Revenue on a protested assessment, or within fifteen days from the date of notice of any final ruling, order or finding of the Department of Revenue, the taxpayer may petition the Kentucky Tax Commission for a review of the final action of the department. The petition shall be filed in quadruplicate and shall in a concise manner state the issue or issues involved, the facts, the basis of the taxpayer's contention, the assessment or portion thereof being protested, and, if desired, a request for

a formal or informal hearing. When an assessment by the Department of Revenue is protested, the Commission may order the department to certify the unprotested portion immediately and the taxes on the unprotested portion shall be paid in the usual manner and time. When the protest is finally disposed of, the department shall further certify any additional assessment provided for in the Commission or court order. A copy of the final decision of the Commission shall be mailed to the taxpayer after it has considered all of the evidence and facts presented. If the Commission reviews an assessment, the taxes determined to be owing shall be due and payable thirty days after the date of notice of the decision of the Commission.

Section 2. Kentucky Revised Statute 136.050 is amended to read as follows:

(1) Except where otherwise specially provided, all corporations required to make reports to the Department of Revenue shall pay all taxes due the state from them into the State Treasury at the same time as natural persons are required to pay taxes, and when delinquent shall pay the same rate of interest and penalties as natural persons who are delinquent.

(2) All state taxes assessed against any corporation under the provisions of KRS 136.120 to 136.220 shall be due and payable as provided in KRS 131.110. All county, city, school and other taxes so assessed shall be due and payable thirty days after notice of the amount of the tax is given by the collecting officer. The state, county, city, school and other taxes found to be due on any protested assessment or portion thereof shall begin to bear legal interest on the sixty-first day after the Kentucky Tax Commission acknowledges receipt of a protest of any assessment or enters an order to certify the unprotested portion of any assessment until paid, except that in no event shall interest begin to accrue prior to January 1 following March 31 of the year in which the report is due. Every corporation so assessed that fails to pay its taxes when due shall be deemed delinquent, a penalty of ten percent on the amount of the tax shall attach, and thereafter the tax shall bear interest at the rate of ten percent per annum.

HB 590: AN ACT authorizing suits against the Commonwealth, its agencies, political subdivisions and municipal corporations, and other corporations and individuals, and authorizing the purchase of liability insurance.

WHEREAS, the Commonwealth of Kentucky, its agencies, subdivisions and municipal corporations, and other corporations and individuals, vested with the power of eminent domain have, since the adoption of the present constitution, been required to respond in damages for property taken, injured or destroyed by them without prior payment to the owner, and;

WHEREAS, those claiming title to property, title to which is also claimed by the Commonwealth, its agencies, subdivisions and muni-

cipalities, have, since the adoption of the present constitution, been permitted to maintain suits in the courts to determine ownership, and;

WHEREAS, citizens have, since the adoption of the present constitution, maintained suits against the Commonwealth for damages to person and property occurring by reason of the negligence of the Commonwealth, its agencies, subdivision or municipalities, upon resolution duly adopted by the General Assembly, and

WHEREAS, recent decisions of the Court of Appeals of Kentucky, decided during the present term of this General Assembly, have declared that resolutions of the General Assembly authorizing the Commonwealth to be sued are invalid and that such suits may only be authorized by general law pursuant to Section 231 of the Constitution, and other such decisions of the Court of Appeals of Kentucky, and other courts, cast grave doubt on whether or not other suits mentioned in this preamble may be maintained against the Commonwealth, its agencies, subdivision, municipalities, etc., without such a general law;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Suits may be brought against the Commonwealth for the recovery of just compensation for any property taken or applied to public use by the State, or any State agency, without the consent of the owner, or his representatives, and without just compensation having been previously made to him.

(2) Suits may be brought against municipal and other corporations, and individuals vested with the privilege of taking private property for public use, for the recovery of just compensation for any property taken, injured or destroyed by them, without the consent of the owner, or his representatives, and without just compensation having been previously made to him.

(3) Suits may be brought against the Commonwealth, or any agency or subdivision thereof, or municipality located therein, to decide any controversy as to title to real or personal property in which the Commonwealth, its agencies, subdivisions or municipalities claims an interest.

(4) Suits may be brought against the Commonwealth, or any agency or subdivision thereof, or any municipality located therein, for damages to persons or property occurring by reason of the negligence of the Commonwealth, agency, subdivision or municipality, or the agents, servants and employees thereof, acting within the scope of their duties.

(5) Suits permitted by Subsections 1, 2, 3, and 4, hereof, shall be brought in the courts of this Commonwealth that would have jurisdic-

tion and venue thereof, if the Commonwealth, agency, subdivision, municipality or other corporation, were a natural person, but any suit to which the Commonwealth, or one of its agencies, is a party may be brought in the Franklin Circuit Court.

(6) Actions within the purview of this act that are now pending in any court of this Commonwealth may be prosecuted to final conclusion and any such action, not now pending, that accrued after the adjournment of the 1956 regular session of the General Assembly on February 18, 1956, and prior to the effective date of this act may be commenced within one (1) year from the effective date of this act. All other actions shall be governed by the General Statutes of Limitations in such cases made and provided.

(7) All governmental units of this Commonwealth may contract for and maintain in effect such liability insurance as they may deem necessary.

(8) Because recent decisions of the Court of Appeals have left all citizens without remedies that they have enjoyed at least since the adoption of the present Constitution in 1892, an emergency is declared to exist, and this act shall take effect upon its passage and approval by the Governor.

HB 605: AN ACT relating to public lakes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) The Department of Highways is authorized to construct fills, made necessary by road construction, so that such will impound water.

(2) The Department of Fish and Wildlife and the Department of Highways shall decide whether the creation of a lake in any one particular spot is deemed reasonable and beneficial. The Department of Fish and Wildlife shall do everything necessary to insure good fishing and may regulate boating and other recreational interest so that there may be the least amount of interference.

(3) The Department of Fish and Wildlife may, if the site is suitable, assist the local party or parties in obtaining deeds or easements where necessary. Interested local parties may obtain title to excess land required and deed it to the Commonwealth for creation of a public fishing lake. A parking lot at or near the fill may be created on land deeded free of charge to the Commonwealth.

(4) Surrounding landowners may by permission irrigate from said lake providing that there is no adverse affect on the lake itself.

(5) Parking shall be regulated to prevent obstruction of the highway.

Motions

Senator Miller moved to suspend the Rules for the purpose of appointing Honorary Pages in the Senate. Agreed.

Senator Miller moved that Charles Richard Sallee, Glenn Allan Early, Clay Allen Early, Martin Gross, Robin Gross, Janet Lynn Wright, Steven Bradley Wright, Edgar Stayer, and Lawrence Irving Stayer be made Honorary Pages of the Senate. Agreed.

Senator Ware moved that Thomas Schulte be made an Honorary Page of the Senate. Agreed.

Senator Kelly moved that Charlotte Crump, Paul Cooper, Billy Sims, Betty Bradley, and Caroline Cheniae be made Honorary Pages of the Senate. Agreed.

Senator Bassett moved adjournment until 11:00 a.m., Thursday, March 20, 1958. Agreed.

THURSDAY, MARCH 20, 1958

FIFTY-NINTH LEGISLATIVE DAY

The Senate was called to order by the President, Lieutenant Governor Harry Lee Waterfield.

Prayer by the Reverend Carter Roberts of the Nazarene Church of Frankfort.

The roll was called. All members present.

The reading of the Journal for Wednesday, March 19, 1958, dispensed with and the same approved on motion of Senator McCann.

House Message

Announcing passage of SB 103, SB 318, SB 181, SB 138, SB 60 with amendment attached thereto, SB 75, SB 335, SB 169. Ordered that said bills be referred.

Motions

Senator Greene moved that Emily Caroline Newberry be made an Honorary Page of the Senate. Agreed.

Senator Kelly moved that Margaret Loyd Brisline, Mary Louise Brislin, Elizabeth Jane Brisline, Patrick Kivin Brislin, Martha Barbara Walker, and Harry C. Walker be made Honorary Pages of the Senate. Agreed.

Senator Howell moved that Pamela Nickles be made an Honorary Page of the Senate. Agreed.

Senator Hamilton moved that David Lynn Ruth, Darby Ruth, Carl Robert Johnson, and Karen Juett be made Honorary Pages of the Senate. Agreed.

Senator Jackson moved that Elinor Ingram Krabill, Frederick Jackson Krabill, Jane Phillips Krabill, and Dannie Gene Jackson be made Honorary Pages of the Senate. Agreed.

Senators Jackson and Francis moved that Albert Daniel Jackson, Paul Abell Jackson, Joe Pettus Jackson be made Honorary Pages of the Senate. Agreed.

Introductions

SR 98, by Senator Warinner: A JOINT RESOLUTION designating Kentucky Highway 55 as Sergeant York Trail.

WHEREAS, Sergeant Alvin York of Tennessee has reflected great credit upon Kentucky;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Kentucky State Highway Number 55 be designated as "The Sergeant York Trail."

That the Department of Highways of the Commonwealth of Kentucky is directed to place appropriate markers at both ends of, and at reasonable intervals along, Kentucky Highway Number 55.

That the Clerk of the Senate is directed to forward copies of this resolution to the Department of Highways of the Commonwealth of Kentucky.

Senator Warinner moved the adoption of said resolution. Adopted by voice vote.

SR 99, by Senator Warinner: A JOINT RESOLUTION designating Kentucky Highway 35 as "Wolf Creek Dam Highway."

WHEREAS, Wolf Creek Dam, one of the nation's great impoundments of water, being located largely in Kentucky;

WHEREAS, the Dam site itself is wholly in this state, and brings to our state thousands of sportsmen and visitors;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Kentucky State Highway Number 35 be designated as Wolf Creek Dam Highway.

That the Department of Highways of the Commonwealth of Kentucky is directed to place appropriate markers at both ends of, and at reasonable intervals along, Kentucky Highway Number 35.

That the Clerk of the Senate is directed to forward copies of this resolution to the Department of Highways of the Commonwealth of Kentucky.

Senator Warinner moved the adoption of said resolution. Adopted by voice vote.

SR 100, by Senator Francis: A RESOLUTION urging the National Collegiate Athletic Association to permit the televising locally of its semi-final and championship basketball sessions.

WHEREAS, the semi-final and championship grounds of the NCAA tournament are to be contested in Louisville, Kentucky, on March 21 and 22;

WHEREAS, the University of Kentucky, a participant in the tournament, has a large and loyal following in the area served by local television stations;

WHEREAS, Kentucky is universally acknowledged to be the basketball mecca of the world;

WHEREAS, tickets for all sessions of the tournament have long since ceased to be available to the general public and capacity attendance is assured; and

WHEREAS, although excellent newspaper coverage to be accorded this event is a foregone conclusion, thousands of sports addicts who are unable to obtain tickets are most desirous of witnessing these events;

NOW, THEREFORE,

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the National Collegiate Athletic Association be and is hereby urgently requested to permit the televising locally of the semi-final and championship rounds of the NCAA basketball tournaments.

Section 2. That the Clerk of the Senate be and hereby is directed to cause copy of this Resolution to be sent to Mr. Walter Byers, Executive Director of the National Collegiate Athletic Association.

Senator Francis moved the adoption of said resolution. Adopted by voice vote.

SR 101, by Senator McCann: A RESOLUTION of congratulation and commendation to the Capitol Press Club for the exemplary manner in which they have reported the activities of the 1958 Session of the General Assembly.

WHEREAS, the Commonwealth of Kentucky and the citizens thereof have long been known for their devotion and zealous regard for the sacred principles embodied in Section 8 of the Kentucky Constitution and Article I of the Federal Constitution; and

WHEREAS, all the citizens of the Commonwealth have followed with genuine interest the sessions of the 1958 General Assembly; and

WHEREAS, the members of the Capitol Press Club have devotedly striven to inform the public of such sessions in a forthright and unbiased manner; and

WHEREAS, the members of the Capitol Press Club have displayed an unflinching devotion to their duties;

NOW, THEREFORE,

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

That the Senate of the Commonwealth of Kentucky go on record as extending their congratulations and appreciation to Jay Crouse and Bill Small of WHAS-TV; Kyle Vance, Paul Jordan, Ronnie Butler, and Miss Ruth Murphy of the Associated Press; James Renneisen and Glenn Elsasser of the United Press; S. V. Stiles and Hal Metzger of the Cincinnati Enquirer; S. V. Stiles and Don Armstrong of the Lexington Herald; Allan M. Trout, Hugh Morris, Ben Reeves, and Miss Ann Pardue of the Courier-Journal; Richard Harwood and Robert Crumpler

of the Louisville Times; Clay Wade Bailey of the Kentucky Post; Philip Swift of the State Journal and Kentucky Times-Star; and Wilson Harper of the Highway Scraper, for the exemplary and unbiased manner in which they have reported to the citizens of this great Commonwealth the activities of the 1958 General Assembly, and direct that the Clerk of the Senate deliver a copy of this resolution to all members of the Capitol Press Club herein named.

Senator McCann moved the adoption of said resolution. Adopted by voice vote.

Calendar

HB 206, HB 265, HB 442, HB 534, HB 172, HB 177, HB 267, HB 341, HB 405, HB 408, HB 498, HB 517, HB 523, HB 590, HB 605 were taken from the Calendar and ordered read at length for the second time. Senator Bassett moved that they be read by title only. Agreed by a majority of the members elected. Ordered placed in the Orders of the Day.

Motions

Senator McCann moved to suspend the Rules for the purpose of making a motion. Agreed.

Senator McCann moved that Mrs. E. G. Forsythe, Miss Mildred Ives and Master Allen Forsythe be granted the privilege of the floor. Agreed.

Orders of the Day

HB 546 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 546**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Bonn, Clay, Cornett, C. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 3—Blue, Mrs. J. Harry Davis, McCann.

HB 546 was passed and the title agreed to.

HB 49 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that the Committee Amendment to **HB 49** be adopted.

Amend printed copy of **HB 49** on page 1, section 1, lines 3-10 by deleting said lines 3 through 10 and inserting in lieu thereof:

(1) The juvenile session of county court of each county shall

have exclusive jurisdiction in proceedings concerning any child living, or found, in the county who has committed a public offense, except a moving motor vehicle offense involving a child sixteen years of age or older. The Juvenile session of the county court shall not have jurisdiction in any prosecution of a moving motor vehicle offense involving a child sixteen years of age or older. Juvenile offenders sixteen years of age or older accused of moving motor vehicle offenses shall be treated as any adult offender.

Adopted by voice vote.

Senator Bassett moved the Previous Question on **HB 49** as amended. Agreed.

On roll call, the vote was: Yeas, 27—Anggelis, Bassett, Blue, Clay, Cornett, C. H. Davis, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Overbey, Reuscher, Richmond, Robinson, Warinner, Willis; Nays, 7—Bonn, Mrs. J. Harry Davis, Duffy, Miller, Van Hoose, Ware, Young.

HB 49 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed by voice vote.

The President Pro Tempore of the Senate assumed the Chair.

HB 13 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that the Committee Amendment to **HB 13** be adopted.

Amend printed copy of **HB 13** on page 2, section 5, line 1 by striking Section 5 (lines 1, 2, 3 and 4) in entirety.

Adopted by voice vote.

Senator Bassett moved the Previous Question on **HB 13** as amended. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Blue, Bonn, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

HB 13 was passed and the title agreed to.

Senator Blake moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 377 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time.

Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Kelly moved the Previous Question on **HB 377**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Blue, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner; Nays, 0.

HB 377 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 276 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Robinson moved that the Committee Amendment to **HB 276** be adopted.

Amend printed copy of **HB 276** on page 3, following line 19 by adding a new Section thereto to read as follows:

“Section 7. The monies received from the license fees collected shall be deposited into the State Treasury to the credit of the general fund for the enforcement of this Act.”

Adopted by voice vote.

Senator Robinson moved the Previous Question on **HB 276** as amended. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Blue, Bonn, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

HB 276 was passed and the title agreed to.

Senator Robinson moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

The President assumed the Chair.

HB 10 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Richmond proposed Amendment No. 1 to **HB 10**.

Amend printed copy of **HB 10** on page 4, section 8, line 4 by de-

leting the figure "\$500,000" immediately following the word "of" and inserting in lieu thereof the figure "\$25,000"

Senators Richmond and Ware requesting a roll call on the adoption of Amendment No. 1, it was so ordered.

On roll call, the vote was: Yeas, 21—Anggelis, Bassett, Blake, Bonn, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Knuckles, Lucas, Overbey, Richmond, Van Hoose, Warinner; Nays, 10—Blue, Francis, Freeman, Kidwell, McCann, Melton, Miller, Reuscher, Ware, Willis.

Amendment No. 1 was adopted.

Senator Richmond proposed Amendment No. 2 to **HB 10**.

Amend printed copy of **HB 10** on page 4, section 8, line 4 by deleting the figure "\$500,000" and inserting in lieu thereof the figure "\$25,000"

Senator Richmond moved the adoption of said Amendment. Adopted by voice vote.

Senator Richmond proposed Amendment No. 3 to **HB 10**.

Amend printed copy of **HB 10** on page 2, section 5, line 3 by deleting the figure "\$2,000" and inserting in lieu thereof the figure "\$500.00"

Senator Richmond moved the adoption of said amendment. Adopted by voice vote.

Senator Richmond moved the Previous Question on **HB 10** as amended. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blake, Blue, Bonn, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Van Hoose, Ware, Warinner, Willis; Nays, 0.

HB 10 was passed and the title agreed to.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 75**, **SB 103**, **SB 181**, **SB 138**, **SB 318**, **SB 335** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Said bills delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

Recess

Senator Bassett moved that the Senate recess until 2:00 p.m. Agreed. At the appointed hour, the Senate was called to order by the President, Lieutenant Governor Harry Lee Waterfield.

Introductions

Senator Van Hoose moved to suspend the Rules for the purpose of introducing a resolution. Agreed.

SR 102, by Senators Van Hoose, Mrs. J. Harry Davis, Miller, Warinner, Knuckles, Lucas, Cornett, Duncan, Byers: A CONCURRENT RESOLUTION inviting the Republican National Committee to hold the 1960 Republican National Convention in Louisville, Kentucky.

WHEREAS, the Commonwealth of Kentucky is centrally located in the United States, being easily accessible by all means of transportation;

WHEREAS, Louisville, the state's largest city, has ample hotel facilities and guest accommodations for great numbers of people, as shown by the number of conventions held there annually;

WHEREAS, Freedom Hall, sometimes called the Coliseum, has seating facilities not equalled elsewhere, within easy driving distance from its dozens of hotels, motels and other accommodations;

WHEREAS, the said Freedom Hall has the best parking facilities available in the United States for motor traffic;

WHEREAS, Kentucky, as a so-called border state, wields great political influence in the Republican Party of the United States;

WHEREAS, Louisville and its environs offer entertainment and recreational facilities unexcelled in the United States;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Chairman and the members of the Republican National Committee be requested and urged to designate Louisville, Kentucky, as the site of the 1960 Republican National Convention.

Section 2. That a copy of this Resolution be forwarded by the Clerk of the Senate to each Republican member of Congress from Kentucky, and to each Republican member from each bordering state.

Senator Van Hoose moved the adoption of said resolution. Adopted by voice vote.

Motions

Senator McCann moved to suspend the Rules for the purpose of making a motion. Agreed.

Senator McCann moved that Mrs. Loretta McWhorter of Louisville, Kentucky be granted the privilege of the floor. Agreed.

Orders of the Day

Senator Overbey moved Senate concurrence in House Amendment to **SB 60**.

House amendment to **SB 60** on page 2, line 40, by inserting following the word "holiday" and preceding the word "if" the phrase:

"provided that any bank, trust company or any combined bank or trust company electing to remain open on any of the above mentioned holidays which occurs on a Monday, Tuesday, Wednesday, Thursday or Friday shall remain closed the following Saturday."

Agreed.

Senator Overbey moved **SB 60** as amended be placed on passage.

On roll call, the vote was: Yeas, 29—Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Van Hoose, Young; Nays, 4—Anggelis, Kelly, Kidwell, Willis.

SB 60, as amended passed and the title agreed to.

HB 300 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Clay moved the Previous Question on **HB 300**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Willis, Young; Nays, 0.

HB 300 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 306 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 306**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blake, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Miller, Overbey, Reuscher, Richmond, Robinson, Warinner, Willis; Nays, 0.

HB 306 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 307 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Anggelis moved the Previous Question on **HB 307**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, McCann, Melton, Miller, Reuscher, Richmond, Robinson, Ware, Warinner, Young; Nays, 0.

HB 307 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

House Message

Announcing passage of **SR 98, SR 99, SB 229** with amendment attached thereto. Ordered that said resolutions and bill be referred.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 159, HB 160, HB 550, HB 298, HB 109, HB 319, HB 73, HB 466, HB 475, HB 139, HB 174, HB 476** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Orders of the Day

HB 311 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 311**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

HB 311 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Senator Howell moved Senate concurrence in House Amendment to **SB 229**.

House Amendment to **SB 229** on page 1, section 2, line 4 by deleting the word "shall" and inserting in lieu thereof the word "may" Agreed.

Senator Howell moved **SB 229** as amended be placed on passage.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Bonn, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

SB 229, as amended passed and the title agreed to.

Senator Howell moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 443 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 443**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

HB 443 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 357 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 357**. Agreed.

On roll call, the vote was: Yeas, 32—Bassett, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

HB 357 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 26 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time.

Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 26**. Agreed.

On roll call, the vote was: Yeas 31—Anggelis, Bassett, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

HB 26 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 96 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that Committee Amendment No. 1 to **HB 96** be adopted.

Amend printed copy of **HB 96** on page 1, by striking the period at the end of the title and adding the following:

“, KRS 304.095, KRS 304.489 and KRS 304.503.”

Adopted by voice vote.

Senator Bassett moved that Committee Amendment No. 2 to **HB 96** be adopted.

Amend printed copy of **HB 96** on page 2, line 27 by adding the following after line 27:

“Section 304.095 of the Kentucky Revised Statutes is amended to read as follows:

“(1) Duplicate copies of legal process against an insurer for whom the commissioner is designated attorney shall be served upon him by any person competent to serve a summons. The person serving the process shall pay him at the time of service a fee as provided for under KRS 304.460 which shall be taxed as costs in this action. In the absence of the commissioner, process may be served on his deputy or any other authorized individual then in charge of the Department.

“(2) The commissioner shall forthwith send one of the copies of the process by certified mail to the person designated for the purpose by the insurer in its most recent such designation filed with the commissioner or to the insurer at its last or principal office if no such designation is on file, and return the other copy to the plaintiff with his acknowledgment of service.

“(3) The commissioner shall keep a record of the day and hour of service of all such legal process.

“Section 304.489 of the Kentucky Revised Statutes is amended to read as follows:

“(1) The commissioner shall designate at least one but not more than five banks or trust companies in each county of this state containing a city of the first class whose vaults shall be used as depositories for assets of insurers deposited under this code.

“(2) Each insurer depositing assets shall, at its own expense, rent space therefor in the vaults of the banks or trust companies so designated.

“Section 304.503 of the Kentucky Revised Statutes is amended to read as follows:

“(1) Insurers maintaining deposits of assets in this state under KRS 304.475 to 304.504 shall pay into the treasury of the Commonwealth, through the office of the commissioner of insurance, \$10,000.00 each calendar year as a custodial expense fund. Such funds shall be used in paying the custodian’s salary, premium on his bond and other necessary expenses incident to the office used by the custodian.

“(2) The portion of such expense fund to be paid by each such insurer shall be in the same approximate proportion as the amount such insurer had on deposit on December 31 of the preceding year bears to the total such deposits of all insurers as of December 31 of the preceding year. The commissioner shall assess each insurer for his proportionate share of such expense fund. All assessments shall be deposited with the State Treasurer, who shall credit the amount so deposited to the Custodian of Securities fund to be used for the maintenance of the office of the Custodian of Securities. If any amount of the fund for the maintenance of the office of the Custodian remains unexpended at the end of any fiscal year, that amount shall not lapse, but shall remain credited to the Custodian of Securities account and may be used during any succeeding year. The minimum charge for each company shall be \$2.00.”

Adopted by voice vote.

Senator Bassett moved the Previous Question on **HB 96** as amended. Agreed.

On roll call, the vote was: Yeas, 27—Anggelis, Bassett, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Francis, Hamilton, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner; Nays, 0.

HB 96 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 102 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time.

Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 102**. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Warinner, Willis, Young; Nays, 0.

HB 102 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 103 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 103**. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Hamilton, Hickerson, Howell, Jackson, Kelly, Kidwell, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

HB 103 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 104 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 104**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

HB 104 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 308 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time.

Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 308**. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis Young; Nays, 0.

HB 308 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 309 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Overbey moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved the Previous Question on **HB 309**. Agreed.

On roll call, the vote was: Yeas, 29—Anggelis, Bassett, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kidwell, Lucas, McCann, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Willis, Young; Nays, 3—Blue, Freeman, Knuckles.

HB 309 was passed and the title agreed to.

Senator Overbey moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 229**, **SB 60** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Said bills delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

Orders of the Day

HB 310 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Howell moved the Previous Question on **HB 310**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Bonn, Clay, Cornett, C. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Ham-

ilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Warinner, Willis, Young; Nays, 0.

HB 310 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 71 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Richmond moved the Previous Question on **HB 71**. Agreed.

On roll call, the vote was: Yeas, 28—Anggelis, Bassett, Bonn, Byers, Clay, Cornett, C. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Reuscher, Richmond, Van Hoose, Warinner, Willis; 3—Miller, Robinson, Young.

HB 71 was passed and the title agreed to.

Senator Richmond moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Motions

Senator Blue moved to suspend the Rules for the purpose of appointing Honorary Pages in the Senate. Agreed.

Senator Blue moved that Mary Lou Trimpe, Shirley Coleman, Darrell Hays, Joyce Gobin, Patricia Morris, Charlotte Brown, Sharon Childress, Pamela Gayle Lloyd, Patricia Gaye Lloyd, Paul Gene Lloyd, Angelia Hope Shelton, Laura Roach, Karen Lynn Armstrong, Charles Pryor and Georgann Holland be made Honorary Pages of the Senate. Agreed.

Senator Hamilton moved that Sue Glass, Doris Glass, David King, Judy Rash, Lorna Rash, Kent Wagoner, Angela Buffin, Barbara Carol O'Nan, Patricia Lynn Nave, Susan Nave, Nancy Nave, Sally Nave, Elizabeth Nave, Tommy Savage, Nancy Savage, John Brent Hulette, Byron Edward Brewer, Mark Warren Thompson, John Cabell Chenault, Linda Sue Wise, William H. Pickett, Jennie Brawner, Tommy Curtis Eddins be made Honorary Pages of the Senate.

Senator Clay moved that Daniel Asch, Edward Dean Tandy and Carl Richard Borchardt be made Honorary Pages of the Senate. Agreed.

Senator Miller moved that Carolyn Sheehan be made an Honorary Page of the Senate. Agreed.

Senator Jackson moved that Mary Williams, Robert Williams and Roy Williams be made Honorary Pages of the Senate. Agreed.

Senator Howell moved that Dennis Ousley, Dallas Ousley, Isaac Vanderpool, Darwin Derossett, Mary Lois Roberts, William Edward Leedy, Jerry Mayo Leslie, Martha Odie Burchett, Jeff Gunnels, Ottis Cisco, Davis Wright, Lou Ann Jervis, Claude Kendrick, Ezelle Pennington, Gary Martin, Vivian Kendrick, Janice Wilma Blackburn, Barbara Collins, Malta Wallen, Winston Dillon, Donald E. Dillon and Darwin Goble be made Honorary Pages of the Senate. Agreed.

Senator Bassett moved adjournment until 11:00 a.m., Friday, March 21, 1958. Agreed.

FRIDAY, MARCH 21, 1958
SIXTIETH LEGISLATIVE DAY

The Senate was called to order by the President, Lieutenant Governor Harry Lee Waterfield.

Prayer by the Reverend Carter Roberts of the Nazarene Church of Frankfort.

The roll was called. All members present.

The reading of the Journal for Thursday, March 20, 1958, dispensed with and the same approved on motion of Senator McCann.

Motions

Senator Knuckles moved that Billy Charles Terry, Deborah L. Partin, David W. Denham, Harold P. Millett, Dare Ray Brock, Mary K. Evans, Jerry Partin, Bernard Southern, Calvin M. Hawk, James R. Stanley, Ardeth K. Wheeler, Robert D. Philpot, Danny C. Gibson, Russell D. Bryant, Deborah J. Warwick, Kathy Higginbotham, Mary K. Hembree, Connie S. Willis, Marie Partin, James Thomas Scoggins, James A. Barton, Barry Jay Cornett, Shirley I. Moore, Beverly Harrington, Wince J. Cobb, Rebecca Partin, Delia J. Lundy, Deborah J. Lamb and Prudy A. Overbey be made Honorary Pages of the Senate. Agreed.

Senator Robinson moved that Beverly Jane Edwards and Gerald Keith Jewell be made Honorary Pages of the Senate. Agreed.

House Message

Announcing passage of **SB 244**, **SB 217** with amendment attached thereto, **SB 322** with amendments attached thereto, **SB 321**, **SB 166**, **SB 191**, **SB 273**, **SB 43**, **SB 235**, **SB 128**, **SB 106**, **SB 167**, **SB 80**, **SB 285**, **SB 168**, **SB 71**, **SB 120**, **SB 189**. Ordered that said bills be referred.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 10**, **HB 13**, **HB 26**, **HB 49**, **HB 71**, **HB 377**, **HB 357**, **HB 311**, **HB 310**, **HB 309**, **HB 308**, **HB 96**, **HB 102**, **HB 103**, **HB 104**, **HB 276**, **HB 300**, **HB 306**, **HB 307**, **HB 443**, **HB 546** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Orders of the Day

HB 171 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Kelly moved the Previous Question on **HB 171**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Willis. Nays 0.

HB 171 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 172 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Kelly moved the Previous Question on **HB 172**. Agreed.

On roll call, the vote was: Yeas, 22—Anggelis, Bassett, Blake, Byers, Clay, C. H. Davis, Mrs. J. H. Davis, Duncan, Fields, Greene, Hamilton, Hickerson, Howell, Jackson, Kelly, Kidwell, Lucas, Overbey, Reuscher, Robinson, Van Hoose, Willis. Nays 7—Blue, Bonn, Duffy, McCann, Miller, Ware, Young.

HB 172 was passed and the title agreed to.

Senator Kelly moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 36 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved the Previous Question on **HB 36**. Agreed.

On roll call, the vote was: Yeas, 22—Anggelis, Bassett, Blake, Blue, Byers, Cornett, C. H. Davis, Duncan, Francis, Greene, Hamilton, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, Melton, Overbey, Richmond, Robinson, Van Hoose. Nays 12—Bonn, Clay, Duffy, Fields, Freeman, Hickerson, Kidwell, McCann, Miller, Reuscher, Ware, Young.

HB 36 was passed and the title agreed to.

Senator Overbey moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 498 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that the Committee Amendment to **HB 498** be adopted.

Amend printed copy of **HB 498** on page 2, section 2, lines 1-4 as follows: by striking Section 2 (lines 1 through 4) in its entirety.

Adopted by voice vote.

Senator Bassett moved the Previous Question on **HB 498** as amended. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young. Nays 0.

HB 498 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 208 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett proposed an Amendment to **HB 208**.

Amendment to **HB 208**. On page 3, section 2, line 5, by striking the number 61.490 and substituting the number "61.500"; and at page 6, Section 2, line 65, by inserting between the number "164.290" and the word "with" the words "and members of the instructional and administrative staff of other state schools enumerated in Section 1 of House Bill 202, 1958," and at page 6, Section 2, lines 68 through 76, by striking lines 68 through 76 and substituting the following: "(b) With respect to groups embraced in subdivision (a) of this subsection the Governor shall authorize referendums and designate agencies or individuals to respectively supervise their conduct in accordance with the requirements of Section 218 (d) (3) of the Social Security Act and this subsection"; and at page 6, Section 2, lines 77 through 79, by striking lines 77 through 79, and substituting the following: "(c) Such referendum shall be conducted in conformity with the following conditions:" and at page 6, Section 2, line 82, by inserting between the word "college" and the word "shall" the words "or school" and at page 6, Section 2, line 86, by adding after the word "college" the words "or school;" and at page 6, Section 2, line 88, by adding after the word "college" the words "or school;" and at page 7, Section 2, line 92, by inserting between the words "college" and "vote" the words "or school" and at page 7, Section 2, line 101, by inserting between the number "164.290" and the word "shall" the following: "or schools enumerated in Section 1 of House Bill 202, 1958"

Senator Bassett moved the adoption of said amendment. Adopted by voice vote.

Senator Bassett moved the Previous Question on **HB 208** as amended. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Hamilton, Hickerson, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Young. Nays 0.

HB 208 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 215 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 215**. Agreed.

On roll call, the vote was: Yeas, 35—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Warinner, Willis, Young. Nays 0.

HB 215 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 194 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 194**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Greene, Hamilton, Hickerson, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Willis, Young. Nays 0.

HB 194 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 216 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 216**.

On roll call, the vote was: Yeas, 29—Anggelis, Bassett, Blake, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields,

Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, McCann, Miller, Overbey, Reuscher, Richmond, Robinson, Young. Nays 0.

HB 216 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 217 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 217**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blake, Bonn, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Ware, Warinner, Willis. Nays 0.

HB 217 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 223 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved the Previous Question on **HB 223**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis. Nays 0.

HB 223 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HR 15 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HR 15**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson,

Howell, Jackson, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis. Nays 0.

HR 15 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HR 16 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HR 16**. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Blue, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young. Nays 0.

HR 16 was passed and the title agreed.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HR 17 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that **HR 17** be adopted by voice vote. Agreed, and said resolution so adopted.

HR 18 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that **HR 18** be adopted by voice vote. Agreed, and said resolution so adopted.

HR 36 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Robinson moved the Previous Question on **HR 36**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Hamilton, Hickerson, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey,

Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young. Nays 0.

HR 36 was passed and the title agreed to.

HB 312 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 312**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Warinner, Willis, Young. Nays 0.

HB 312 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 265 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 265**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blake, Blue, Byers, Clay, Cornett, Mrs. J. H. Davis, Duffy, Francis, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young. Nays 2—Fields, Freeman.

HB 265 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Senator Bassett moved Senate concurrence in House Amendment No. 1 to **SB 322**.

Amend printed copy of **SB 322** on page 5, section 4, line 6, by inserting after said line 6 a new section to read as follows:

“Section 5. Section 44.110 of the Kentucky Revised Statutes is amended to read as follows:

“A claim must be presented to the board within one year from the time it shall have accrued; except that any claim that accrued between March 1, 1956, and July 1, 1957, may be presented up to and including June 30, 1958.”

Agreed.

Senator Bassett moved Senate concurrence in House Amendment No. 2 to **SB 322**.

Amend printed copy of **SB 322** on page 4, Section 3 (1), line 3, by striking the words "Franklin Circuit Court" and inserting in lieu thereof the following: "Circuit Court of the County wherein the claimant resides."

Agreed.

Senator Bassett moved **SB 322** as amended be placed on passage.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis. Nays 1—Kidwell.

SB 322, as amended passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 326 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Miller moved the Previous Question on **HB 326**. Agreed.

On roll call, the vote was: Yeas, 34—Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Warinner, Willis, Young. Nays 0.

HB 326 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 523 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 523**. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Willis, Young. Nays 0.

HB 523 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 369 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that Committee Amendment No. 1 to **HB 369** be adopted.

Amend printed copy of **HB 369** on pages 2, 3, 4 and 5, section 1, lines 26, 27, 50, 90, 91, 119 and 120. Delete the words "but not above the last lock and dam up the stream" following the word "state" on line 26 and preceding the word "by" on line 27. Insert the word "or" following the word "seine" and before the word "netting" on line 50. Delete the words "which may be issued only to a resident of this state" following the word "license" on line 90 and preceding the word "which" on line 91. Delete the words "shall cost five dollars per year and is" following the word "license" on line 119 and preceding the word "good" on line 120.

Adopted by voice vote.

Senator Bassett moved that Committee Amendment No. 2 to **HB 369** be adopted.

Amend printed copy of **HB 369** on pages 8, 9, and 10, section 3, line 1 through 60. Delete Section 3, lines 1 through 60 in its entirety and insert in lieu thereof the following:

"Section 3. The Department of Fish and Wildlife Resources shall, by its Commission, prescribe reasonable license fees relating to hunting, fishing, trapping, boats and boating. Provided, however, the Department shall set no private license fee at less than one dollar nor more than one hundred dollars, and no commercial license fee at less than two dollars nor more than five hundred dollars."

Adopted by voice vote.

Senator Bassett moved that the vote by which Amendment No. 2 to **HB 369** was adopted be reconsidered. Agreed by voice vote.

Senator Bassett moved that Committee Amendment No. 3 to **HB 369** be adopted.

Amend printed copy of **HB 369** on page 11, insert the words and figures "Section 4. Section 150.220 of the Kentucky Revised Statutes is repealed" following line 24 on page 11.

Adopted by voice vote.

Senator Bassett moved the Previous Question on **HB 369** as amended. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Blue, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Howell, Jackson, Kelly, Kidwell, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Willis, Young; Nays, 0.

HB 369 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

House Message

Announcing passage of **SB 51** with amendment attached thereto. Ordered that said bill be referred.

Orders of the Day

Senator Bassett moved Senate concurrence in House Amendment to **SB 51**.

Amend printed copy of **SB 51**, on page 1, section 1, lines 1-13 by deleting said lines 1 through 13 and inserting in lieu thereof:

“Section 1. Any veteran of World War II or the Korean conflict who was a resident of Kentucky at time of entry into service, who has been graduated with an LLB, from a law school approved by the American Bar Association or by the American Association of Law Schools, shall be permitted to take the Kentucky Bar Examination, and upon passage shall be granted a license to practice law by the Clerk of the Court of Appeals, provided he was enrolled or did enroll in any such approved law school during the years 1941 through 1945 or 1950 through 1952, and was subsequently graduated therefrom.”

Agreed.

Senator Bassett moved **SB 51** as amended be placed on passage.

On roll call, the vote was: Yeas, 21—Anggelis, Blake, Byers, Cornett, C. H. Davis, Mrs. J. H. Davis, Duncan, Fields, Francis, Freeman, Greene, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Robinson, Van Hoose, Ware, Warinner; Nays, 12—Bassett, Bonn, Clay, Duffy, Kidwell, McCann, Miller, Overbey, Reuscher, Richmond, Willis, Young.

SB 51, as amended passed and the title agreed to.

Senator Knuckles moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Senator Jackson moved Senate concurrence in House Amendment to **SB 217**.

Amend printed copy of **SB 217** on page 2, section 2, lines 22 and 23 by striking the words “with existing facilities” and inserting in lieu thereof the following: “after reasonable demand”

Agreed.

Senator Jackson moved **SB 217** as amended be placed on passage.

On roll call, the vote was: Yeas, 37—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, McCann, Melton,

Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

SB 217, as amended passed and the title agreed to.

Recess

Senator Bassett moved that the Senate recess until 2:15 p.m. Agreed. At the appointed hour, the President of the Senate called the Senate to order.

Orders of the Day

HB 295 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett proposed an Amendment to **HB 295**.

Amend printed copy of **HB 295**

On page 1, section 1, lines 4 and 5, by inserting following the word "which" on line 4 and preceding the word "owns" on line 5, the words "builds or" and by striking the words "or leases" following the word "owns" and preceding the word "and" on line 5;

On page 2, section 3, lines 5, 9, 14, 22, 27 and 32: by inserting on line 5, following the word "insurer" and preceding the word "owned" the words "built or" and by striking the words "or leased" following the word "owned" and preceding the word "and"

By inserting on line 9, following the word "insurer" and preceding the word "owned" the words "built or" and by striking the words "or leased" following the word "owned" and preceding the word "and"

By inserting on line 14 following the word "insurer" and preceding the word "owned" the words "built or" and by striking the words "or leased" following the word "owned" and preceding the word "and"

By striking the word "established" following the word "first" and preceding the word "such" on line 22 and inserting in lieu thereof the words "build or own"

By striking the word "established" following the word "insurer" and preceding the word "such" on line 27 and inserting in lieu thereof the words "has built or owned"

By inserting on line 32 following the word "had" and preceding the word "owned" the words "built or" and by striking the words "or leased" following the word "owned" and preceding the word "and".

Senator Bassett moved that said amendment be adopted. Adopted by voice vote.

Senator Bassett moved the Previous Question on **HB 295** as amended. Agreed.

On roll call, the vote was: Yeas, 32—Angelis, Bassett, Blake, Blue, Bonn, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly,

Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Van Hoose, Ware, Willis, Young; Nays, 0.

HB 295 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 29 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that the Committee Amendment to **HB 29** be adopted.

Amend printed copy of **HB 29**, on page 2, Section 3, lines 1 through 16, by striking Section 3 in entirety.

Adopted by voice vote.

Senator Bassett moved the Previous Question on **HB 29** as amended. Agreed.

On roll call, the vote was: Yeas, 28—Anggelis, Bassett, Blake, Blue, Bonn, Clay, C. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Willis, Young; Nays, 1—Van Hoose.

HB 29 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 350 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved the Previous Question on **HB 350**. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Blue, Bonn, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Willis, Young; Nays, 0.

HB 350 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 351 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 351**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Bonn, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Ware, Willis, Young; Nays, 0.

HB 351 was passed and the title agreed to.

Senator Overbey moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 352 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved the Previous Question on **HB 352**. Agreed.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Overbey, Reuscher, Richmond, Van Hoose, Ware, Willis, Young; Nays, 0.

HB 352 was passed and the title agreed to.

Senator Overbey moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

House Message

Announcing passage of **SB 144, SB 176, SB 204, SB 237, SB 296, SB 315, SB 317, SB 348, SR 61**. Ordered that said bills and resolution be referred.

Orders of the Day

HB 353 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Overbey moved the Previous Question on **HB 353**. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Blue, Bonn, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

HB 353 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 447 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time.

Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 447**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blue, Bonn, Byers, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

HB 447 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 448 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 448**. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

HB 448 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 480 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 480**. Agreed.

On roll call, the vote was: Yeas, 30—Anggelis, Bassett, Blake, Bonn, Byers, Clay, C. H. Davis, Duffy, Fields, Francis, Freeman, Hamilton, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Lucas, McCann, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

HB 480 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 626 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 626**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blake, Bonn, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Young; Nays, 1—Willis.

HB 626 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 605 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 605**. Agreed.

On roll call, the vote was: Yeas, 34—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 0.

HB 605 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 235, SB 128, SB 106, SB 167, SB 120, SB 321, SB 71, SB 168, SB 285, SB 80, SB 191, SB 189, SB 244, SB 322, SB 43, SB 273, SB 217, SB 166, SB 51, SB 169** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Said bills delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

Introductions

Senator Bassett moved to suspend the Rules for the purpose of introducing resolutions. Agreed.

SR 103, by Senator Bassett: A RESOLUTION providing for an investigation and study, by the Legislative Research Commission in cooperation with the Kentucky Bankers Association, the American Bankers Association, and interested state agencies, of the Model State Banking Code prepared by the American Bankers Association, with particular reference to its effect on existing Kentucky law.

WHEREAS, the proposed Model State Banking Code, as promulgated by the American Bankers Association, is a comprehensive revision and modernization of the field of banking law; and

WHEREAS, several states are studying the effects on their existing banking law the Model State Banking Code would have if enacted, and the desirability of enacting the Code into law; and

WHEREAS, an opportunity should be given to interested groups and citizens as well as to members of the banking community to express their opinions, either in support of or in opposition to the Model State Banking Code;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is authorized and directed to make an investigation and study of the proposed Model State Banking Code, to determine its effect on existing Kentucky law, and to collect such information concerning the Code as will enable the General Assembly to be advised fully of the factors bearing on the advisability and desirability of enacting the Code into law.

Section 2. That for the purposes of this study the Legislative Research Commission is authorized to create an advisory committee, whose members shall be composed of bankers, representatives of other interested groups, and public-minded citizens, to advise and give counsel to the Legislative Research Commission.

Section 3. That the Legislative Research Commission is authorized to cooperate with the Kentucky Bankers Association and the American Bankers Association.

Section 4. That the Department of Banking, the Department of Finance, the State Treasurer, and such other state agencies as the Legislative Research Commission may designate, are directed to cooperate to the fullest extent with the Legislative Research Commission in the preparation of the report.

Section 5. That the Legislative Research Commission shall include its findings in a report to the General Assembly of the Commonwealth of Kentucky, such report to be submitted to the 1960 Regular Session.

Senator Bassett moved the adoption of said resolution. Adopted by voice vote.

SR 104, by Senator Bassett: A RESOLUTION authorizing and directing the Legislative Research Commission to make a study of the desirability and feasibility of adopting a Uniform Title Law for motor vehicles.

WHEREAS, the number of motor vehicles and the extent of their operations on the public roads and highways of the Commonwealth are greatly increasing; and

WHEREAS, it appears that many automobile buyers are suffering losses resulting from defective titles and undisclosed liens; and

WHEREAS, it appears that improved enforcement aids are needed to solve the problems incident to traffic in stolen cars.

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is authorized and directed to conduct a comprehensive study to determine the desirability and feasibility of altering the form, scope, operation, and administration of existing laws governing motor vehicle titles and related records.

Section 2. That the Legislative Research Commission, in conducting said study, is authorized to utilize the advice and assistance of the Department of Revenue, Department of Public Safety, County Clerks Association, Kentucky Automobile Dealers Association, Kentucky Bankers Association, Kentucky Peace Officers Association, and any other organization or agency with an appropriate interest or concern.

Section 3. That the results of the study, including findings and recommendations, be made the subject of a report to be submitted to the 1960 Regular Session of the General Assembly.

Senator Bassett moved the adoption of said resolution. Adopted by voice vote.

SR 105, by Senator Bassett: A RESOLUTION authorizing and directing the Legislative Research Commission to make a study of the advisability and feasibility of extending personnel merit system coverage to include the employees of all state agencies.

WHEREAS, existing laws providing merit system coverage for personnel of certain departments and agencies are designed to promote economy and efficiency in government; and

WHEREAS, it appears that extension of coverage to other agencies would operate to promote still greater economy and efficiency in government; and

WHEREAS, numerous measures on this subject with wide variation in effect have been introduced in the House of Representatives and Senate during this session.

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is authorized and directed to make a study of the existing laws relating to personnel merit system coverage, and the desirability and feasibility of extending said coverage to include other state departments, boards, commissions, and agencies, including the Department of Highways.

Section 2. That each department, board, commission, and agency of the state government is directed to extend to the Legislative Research Commission its full cooperation and make available all pertinent files, records and information.

Section 3. That the results of the study, including findings and recommendations, be made the subject of a report to be submitted to the 1960 Regular Session of the General Assembly.

Senator Bassett moved the adoption of said resolution. Adopted by voice vote.

SR 106, by Senator Bassett: A RESOLUTION providing for a study of metropolitan governments in the Commonwealth of Kentucky.

WHEREAS, the rise of metropolitan areas has become one of the most significant and spectacular population trends in the United States and it has led to a major, largely unsolved problem of government; and

WHEREAS, the United States Bureau of the Census in 1950, has defined a "standard metropolitan area" to consist, in general, of at least one central city of not less than 50,000 population and the entire county in which it is located, including in addition, other entire counties that are contiguous to the first county which possess extensive economic and social contacts with the central county; and

WHEREAS, there are at present five metropolitan areas entirely or partly within the Commonwealth of Kentucky, and continued rapid increases in population have been occurring in metropolitan areas in general; and

WHEREAS, the metropolitan problem has become more acute in a setting of continuing growth of metropolitan areas in number, population, territorial size and governmental complexity, and the persistence of the metropolitan trend indicates that the less populous metropolitan areas, and even embryonic ones, may need to make changes soon to avoid comparable conditions; and

WHEREAS, one basis of the problem is the absence of general local governmental organization broad enough to cope with metropolitan matters; and

WHEREAS, there is a lack of area-wide governmental jurisdictions to provide and finance services, to plan and regulate, and to facilitate adequate accountability to the metropolitan public for their actions; and

WHEREAS, the metropolitan problem thus is in fact a series of major problems and a study of the question is desirable.

NOW, THEREFORE,

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is authorized and directed to make an investigation and study of the problems connected with metropolitan areas, with the view of determining generally the advisability of amending the Constitution of the Commonwealth of Kentucky in order to provide for the establishing of a form of "metropolitan government."

Section 2. That for the purposes of this study the Chairman of the Legislative Research Commission is authorized to appoint an advisory committee whose members shall be persons having practical experience in metropolitan government, representatives of interested groups, and public-minded citizens, to advise and give counsel to the Legislative Research Commission.

Section 3. That the Legislative Research Commission is authorized to cooperate with representatives of metropolitan Chambers of Commerce, the Kentucky Municipal League, labor representatives, and other groups.

Section 4. That the Department of Economic Development, the Department of Finance, the Department of Highways, and such other state agencies as the Legislative Research Commission may designate, are directed to cooperate to the fullest extent with the Legislative Research Commission in the preparation of the report.

Section 5. That the Legislative Research Commission shall include its findings in a report to the General Assembly of the Commonwealth of Kentucky, such report to be submitted to the 1960 Regular Session.

Senator Bassett moved the adoption of said resolution. Adopted by voice vote.

Orders of the Day

HB 561 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Anggelis proposed an Amendment to **HB 561**.

Amend printed copy of **HB 561** on page 7, following line 22 by inserting, immediately following line 22, the following new section: "Section 15. This Act shall become effective on January 1, 1960."

Senator Anggelis moved that said Amendment be adopted. Senators Anggelis and Bassett requesting a roll call, it was so ordered.

On roll call, the vote was: Yeas, 1—Anggelis; Nays, 27—Bassett, Blue, Bonn, Clay, Cornett, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kidwell, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Warinner, Willis, Young.

Amendment to **HB 561** did not pass.

Senator Anggelis moved the Previous Question on **HB 561**.

On roll call, the vote was: Yeas, 32—Bassett, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kidwell, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis, Young; Nays, 1—Anggelis.

HB 561 was passed and the title agreed to.

House Message

Announcing passage of **SB 202**, **SB 203**, **SB 212**, **SB 213**, **SB 309**, **SB 313**, **SR 73**.

The House reported that they had refused to concur in Senate Amendment No. 3 to **HB 369**.

Ordered that said bills and resolution be referred.

Motions

Senator Bassett moved to suspend the Rules for the purpose of making a motion. Agreed.

Senator Bassett moved that the vote by which **HB 369** was passed be reconsidered. Agreed by voice vote.

Senator Bassett moved that the vote by which Amendment No. 3 to **HB 369** was passed be reconsidered. Agreed by voice vote.

Orders of the Day

HB 562 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Anggelis proposed an Amendment to **HB 562**.

Amend printed copy of **HB 562** on page 5, following line 6 by inserting, immediately after line 6, the following new section:

"Section 10. This Act shall become effective on January 1, 1960."

Senator Anggelis moved the adoption of said Amendment. The Chair ruled Senator Anggelis's motion out of order for lack of second to the motion.

Senator Bassett moved the Previous Question on **HB 562**. Agreed.

On roll call, the vote was: Yeas, 32—Bassett, Blue, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Ware, Warinner, Willis, Young; Nays, 1—Anggelis.

HB 562 was passed and the title agreed to.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 348, SB 317, SB 296, SB 237, SB 204, SB 176, SB 144, SR 61** had been examined and found correctly enrolled. Said bills and resolution read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Said bills delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

Orders of the Day

HB 442 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 442**. Agreed.

On roll call, the vote was: Yeas, 31—Bassett, Blake, Blue, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Overbey, Reuscher, Richmond, Robinson, Van Hoose; Nays, 0.

HB 442 was passed and the title agreed to.

HB 522 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 522**. Agreed.

On roll call, the vote was: Yeas, 30—Anggelis, Bassett, Blake, Bonn, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Knuckles, Lucas, McCann, Miller, Overbey, Richmond, Robinson, Van Hoose, Ware, Willis; Nays, 0.

HB 522 was passed and the title agreed to.

HR 89 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that **HR 89** be adopted by voice vote. Agreed, and said resolution so adopted.

HR 90 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that **HR 90** be adopted by voice vote. Agreed, and said resolution so adopted.

HR 109 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that **HR 109** be adopted by voice vote. Agreed, and said resolution so adopted.

HB 517 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 517**. Agreed.

On roll call, the vote was: Yeas, 29—Angelis, Bassett, Blake, Bonn, Cornett, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Knuckles, Lucas, McCann, Melton, Overbey, Reuscher, Richmond, Van Hoose, Ware, Warinner; Nays, 1—Blue.

HB 517 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Senator Bassett moved that the Committee Amendment No. 2 to **HB 369** be adopted.

Amend printed copy of **HB 369** on pages 8, 9 & 10, section 3, lines 1 through 60 by striking lines 1 through 60 and substituting in lieu thereof the following:

Section 3. The Department of Fish and Wildlife Resources shall, by its Commission, prescribe reasonable license fees relating to hunting, fishing, and trapping. Provided, however, the Department shall set no private license fee at less than one dollar nor more than one hundred dollars, and no commercial license fee at less than two dollars nor more than five hundred dollars.

Section 3½. Section 150.220 of the Kentucky Revised Statutes is repealed.

Adopted by voice vote.

Senator Bassett moved that the Committee Amendment No. 3 to **HB 369** be adopted.

Amend printed copy of **HB 369** on page 11, insert the words and figures "Section 4. Section 150.220 of the Kentucky Revised Statutes is repealed" following line 24 on page 11.

Adopted by voice vote.

Senator Bassett moved **HB 369** as amended be placed on passage.

On roll call, the vote was: Yeas, 27—Anggelis, Bassett, Blake, Bonn, C. H. Davis, Duffy, Fields, Francis, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Warinner, Willis; Nays, 0.

HB 369, as amended passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 231 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 231**.

On roll call, the vote was: Yeas, 32—Anggelis, Bassett, Blake, Bonn, Byers, Clay, Cornett, C. H. Davis, Mrs. J. H. Davis, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Robinson, Van Hoose, Warinner, Willis; Nays, 0.

HB 231 was passed and the title agreed to.

House Message

Announcing rejection of Senate Amendment to **HB 29**.

Motions

Senator Bassett moved that **HB 29** be recommitted to the Rules Committee. Agreed.

Orders of the Day

HB 405 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved that the Committee Amendment to **HB 405** be adopted.

Amend printed copy of **HB 405** on page 7, section 6, line 5 by deleting line 5 and substituting in lieu thereof the following:

“Employers in the same industry or by one or more labor unions, or by one or more employers and one or more labor unions.”
and on page 10, immediately after line 15 of Section 7, add in the following:

“Section 8. Section 304.075 of the Kentucky Revised Statutes is amended to read as follows:

(1) In addition to the paid-up capital stock or surplus as required under KRS 304.071 and 304.073, newly formed domestic stock, reciprocal or Lloyd's insurers, newly formed domestic mutual insurers which qualify upon the basis of a deposit in lieu of applications and premiums collected as provided in KRS 304.150 to 304.194 and foreign and alien insurers which have been insurers for less than five years, shall possess, when first so authorized, bona fide surplus funds equaling in amount not less than fifty percent of the capital stock or surplus otherwise required for the kind or kinds of insurance proposed to be transacted.

(2) No foreign or alien insurer shall be authorized to do business in this state until it shall have completed at least three years of successful operation in its domiciliary state, provided, however, the commissioner may in his discretion waive this requirement if he is satisfied after examination of the business and affairs of such insurer that its authorization to do business in this state would not be hazardous to its prospective policyholders and creditors in this state. The commissioner may require as a condition to such waiver that such insurer deposit with the Custodian of Insurance Securities, for the use and benefit of Kentucky policyholders and creditors, securities of the type permitted as an investment for domestic insurers under KRS 304.404, in such amount as he may in his discretion determine would adequately safeguard the rights of Kentucky policyholders and creditors. This deposit, if required, shall not exceed the amount of paid-up capital stock or surplus required by subsection (1) of this section.”

Adopted by voice vote.

Senator Bassett moved the Previous Question on **HB 405** as amended. Agreed.

On roll call, the vote was: Yeas, 33—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, Lucas, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Van Hoose, Warinner, Willis; Nays, 0.

HB 405 was passed and the title agreed to.

Motions

Senator Blue moved to suspend the Rules for the purpose of making a motion. Agreed.

Senator Blue moved that **SB 341** be taken from the Rules Committee and placed on passage. Senators McCann and Blue demanding a roll call on said motion, it was so ordered.

On roll call, the vote was: Yeas, 18—Blue, Bonn, Clay, Duffy, Duncan, Francis, Freeman, Hickerson, Howard, Kelly, Kidwell, McCann, Melton, Miller, Reuscher, Ware, Willis, Young; Nays, 14—Angelis, Bassett, Blake, Byers, C. H. Davis, Mrs. J. Harry Davis, Fields, Greene, Hamilton, Howell, Overbey, Richmond, Van Hoose, Warinner.

Motion did not pass for lack of constitutional majority.

Introductions

Senator Overbey moved to suspend the Rules for the purpose of introducing a resolution. Agreed.

SR 107, by Senator Overbey: A RESOLUTION directing the Legislative Research Commission to study the obligations of airlines to the Commonwealth of Kentucky.

WHEREAS, the Commonwealth of Kentucky is faced with the problems of aviation-growth demands; and

WHEREAS, the location of air service in communities has resulted in the growth of industry in areas accessible to such service; and

WHEREAS, the best interests of the people of this Commonwealth require the development of air service to all areas of the state;

NOW, THEREFORE,

Be it resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Legislative Research Commission is hereby authorized and directed to make a study of the obligations of airlines to the Commonwealth of Kentucky and to public airports under existing law and inquire into the manner in which airlines are meeting these obligations, and further make recommendations to guide the General Assembly in any future course of action to be taken.

Section 2. That the Chairman of the Legislative Research Commission be and is hereby authorized to appoint a committee to advise the Legislative Research Commission with respect to such study and the making of recommendations as a result thereof.

Section 3. That the advisory committee be composed of one member of the Senate, one member of the House of Representatives, one representative of the airlines, one official from the Department of Revenue, one official from the Department of Aeronautics and two private citizens.

Section 4. That the members from the Senate and the House of Representatives and the two private citizens receive a per diem of

thirty-five dollars each, in addition to actual expenses incurred in the performance of the services hereby delegated.

Section 5. That the members from the airline industry, and Departments of Revenue and Aeronautics receive actual expenses incurred in the performance of the duties hereby delegated.

Section 6. That the Department of Aeronautics is hereby directed to extend to the Legislative Research Commission its full and complete cooperation by supplying any required records, statistics, materials, and reports and in any other particular in which the study may be implemented.

Section 7. That the results of the study be made the subject of a report to be submitted to the General Assembly not later than the 1960 regular session.

Senator Overbey moved the adoption of said resolution. Adopted by voice vote.

Orders of the Day

HB 278 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 278**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blake, Bonn, Byers, Clay, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, Lucas, McCann, Miller, Overbey, Reuscher, Richmond, Van Hoose, Warinner; Nays, 0.

HB 278 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 279 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 279**. Agreed.

On roll call, the vote was: Yeas, 24—Bassett, Bonn, Byers, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kidwell, Knuckles, McCann, Melton, Miller, Richmond, Warinner, Willis; Nays, 0.

HB 279 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 202**, **SB 203**, **SB 212**, **SB 213**, **SB 309**, **SB 313**, **SB 315** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Said bills delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

Orders of the Day

HB 280 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 280**. Agreed.

On roll call, the vote was: Yeas, 27—Bassett, Blake, Bonn, Byers, C. H. Davis, Mrs. J. H. Davis, Duffy, Fields, Francis, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, McCann, Melton, Miller, Reuscher, Richmond, Robinson, Van Hoose, Warinner, Willis; Nays, 0.

HB 280 was passed and the title agreed to.

HB 321 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 321**. Agreed.

On roll call, the vote was: Yeas, 20—Bassett, Bonn, Mrs. J. H. Davis, Duffy, Fields, Francis, Greene, Hamilton, Howard, Howell, Jackson, Kelly, Kidwell, Knuckles, McCann, Overbey, Reuscher, Van Hoose, Warinner, Willis; Nays, 0.

HB 321 was passed and the title agreed to.

HB 601 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Ware proposed an amendment to **HB 601**.

Amend printed copy of **HB 601** on page 1, section 1, line 7, etc., by deleting the following language:

“If more than thirty-five freeholders in the territory being added to the district are affected, the county judge of the adjoining county may appoint two additional commissioners who are residents of such territory; otherwise the judge may appoint one commissioner.”

Senator Ware moved the adoption of said amendment. Adopted by voice vote.

Senator Bassett moved the Previous Question on **HB 601** as amended. Agreed.

On roll call, the vote was: Yeas, 30—Angelis, Bassett, Blake, Bonn, Mrs. J. H. Davis, Duffy, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Willis, Young; Nays, 0.

HB 601 was passed and the title agreed to.

HB 283 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 283**. Agreed.

On roll call, the vote was: Yeas, 30—Angelis, Bassett, Blake, Bonn, Byers, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, McCann, Melton, Reuscher, Richmond, Robinson, Van Hoose, Ware, Willis; Nays, 0.

HB 283 was passed and the title agreed to.

HB 412 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 412**. Agreed.

On roll call, the vote was: Yeas, 29—Angelis, Bassett, Blake, C. H. Davis, Mrs. J. H. Davis, Duffy, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

HB 412 was passed and the title agreed to.

HB 426 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 426**. Agreed.

On roll call, the vote was: Yeas, 28—Angelis, Bassett, Blake, Bonn, C. H. Davis, Mrs. J. H. Davis, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howard, Howell, Jackson, Johnson, Knuckles, McCann, Melton, Miller, Overbey, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

HB 426 was passed and the title agreed to.

Senator Bassett moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 427 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 427**. Agreed.

On roll call, the vote was: Yeas, 26—Bassett, Blake, Bonn, C. H. Davis, Mrs. J. H. Davis, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Kelly, Kidwell, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 0.

HB 427 was passed and the title agreed to.

House Message

Announcing passage of **SB 243, SB 255, SB 286, SB 287, SB 290, SB 291, SB 300, SB 307, SB 355**. Ordered that said bills be referred.

Orders of the Day

HB 132 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator McCann moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator McCann moved the Previous Question on **HB 132**. Agreed.

On roll call, the vote was: Yeas, 25—Anggelis, Bassett, Blake, Bonn, C. H. Davis, Duncan, Fields, Freeman, Greene, Hamilton, Hickerson, Howell, Kelly, Kidwell, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Warinner, Willis; Nays, 2—Francis, Jackson.

HB 132 was passed and the title agreed to.

Senator McCann moved that the vote by which said bill was passed be reconsidered and said motion be laid on the table. Agreed.

HB 143 was taken from the Orders of the Day on recommendation of the Rules Committee and ordered read at length for the third time. Senator Bassett moved that it be read by title only and put to passage. Agreed by a majority of the members elected.

Senator Bassett moved the Previous Question on **HB 143**. Agreed.

On roll call, the vote was: Yeas, 31—Anggelis, Bassett, Blake, Blue, Bonn, Byers, Clay, C. H. Davis, Duncan, Fields, Francis, Freeman, Greene, Hamilton, Hickerson, Howell, Jackson, Johnson, Kelly, Kidwell, Knuckles, McCann, Melton, Miller, Overbey, Reuscher, Richmond, Robinson, Van Hoose, Ware, Young; Nays, 0.

HB 143 was passed and the title agreed to.

Motions

Senator Blue moved to suspend the Rules for the purpose of making a motion. Agreed.

Senator Blue moved that **SB 341** be taken from the Rules Committee and placed on passage. Senators Blue and Ware demanding a roll call on said motion, it was so ordered.

On roll call, the vote was: Yeas, 19—Blue, Bonn, Clay, Duncan, Francis, Freeman, Hickerson, Jackson, Johnson, Kelly, Kidwell, McCann, Melton, Miller, Reuscher, Robinson, Ware, Willis, Young; Nays, 11—Anggelis, Bassett, Blake, C. H. Davis, Mrs. J. Harry Davis, Fields, Greene, Hamilton, Howell, Overbey, Van Hoose.

Motion did not pass for lack of constitutional majority.

Senator Basset moved that the vote by which said motion failed to pass be reconsidered and said motion be laid on the table. Agreed.

Motions

Senator Bassett moved that the President of the Senate be authorized and directed to appoint a committee to wait upon the House and inform that body that the Senate has now completed the business before it and request the House to appoint a like committee to act on the part of the House in conjunction with the committee on the part of the Senate, and wait upon the Governor of the Commonwealth, to inform him that the House and Senate, composing the General Assembly of the Commonwealth, have completed the business before them, and are now ready to adjourn sine die and to inquire whether the Governor has any further communications to make.

Said motion adopted.

Whereupon the President of the Senate announced the appointment of Senators Jerry F. Howell, C. H. Davis, Stanley Blake, Alvin Kidwell, and Wendell Van Hoose as members constituting said committee.

House Message

Announcing passage of **SB 92, SB 93, SB 94, SB 99, SB 101, SB 222**. Ordered that said bills be referred.

Motions

Senator Jackson moved to suspend the Rules for the purpose of making a motion. Agreed.

Senator Jackson moved that the active Pages of the 1958 Session be given Honorary Page Certificates. Agreed.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 36, HB 171, HB 172, HB 194, HB 215, HB 216, HB 217, HB 223, HB 231, HB 265, HB 279, HB 280, HB 295, HB 312, HB 321, HB 326, HB 350, HB 351, HB 352, HB 353, HB 442, HB 447, HB 448, HB 480, HB 498, HB 522, HB 523, HB 561, HB 562, HB 605, HB 626, HR 15, HR 16, HR 17, HR 18, HR 36, HR 89, HR 90** had been examined and found correctly enrolled. Said bills and resolutions read at length, compared, and signed in open

session by the President. Ordered that the original and enrolled copies be delivered to the House.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 132, HB 143, HB 278, HB 283, HB 412, HB 426, HB 427, HB 517** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 92, SB 93, SB 94, SB 99, SB 101, SB 222, SB 243, SB 255, SB 286, SB 287, SB 290, SB 291, SB 300, SB 307, SB 355** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Said bills delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

House Message

Announcing passage of **SB 233** with amendment attached thereto, **SB 350, SB 328, SB 319, SB 308, SB 281, SB 264, SB 250, SB 209, SB 28**. Ordered that said bills be referred.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 350, SB 328, SB 319, SB 308, SB 281, SB 264, SB 250, SB 209, SB 28** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Said bills delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

Motions

Senator Blue moved to suspend the Rules for the purpose of appointing Honorary Pages in the Senate. Agreed.

Senator Blue moved that William Mitchell, Mara Rae Melton, Darrell Eugene Chaney, George Timothy Raber, Billy Risley, Patricia Wright, Ruth Ann Duncan, Jerry May Cheaney, and Timothy Pritchett be made Honorary Pages of the Senate. Agreed.

Senator Duncan moved that Thomas Crain Monroe and Elizabeth Gordon Monroe be made Honorary Pages of the Senate. Agreed.

Senator Miller moved that David Harry Jones and Suellen Finley Miller be made Honorary Pages of the Senate. Agreed.

Senator Overbey moved that Leesa Kim Overbey be made an Honorary Page of the Senate. Agreed.

Senator Hamilton moved that Sarah T. Barlow, Charles T. Barlow, Barry Owen Barlow, Lucy Lancaster Barlow, Truitt Gaines and Cecelia Gaines be made Honorary Pages of the Senate. Agreed.

Senator Jackson moved that James W. Noel, Jr. be made an Honorary Page of the Senate. Agreed.

Senator Knuckles moved that John Robert Combs be made an Honorary Page of the Senate. Agreed.

Senator Kidwell moved that Lesley Carole Ackman be made an Honorary Page of the Senate. Agreed.

Senator Warinner moved that Laura Lee Smith and Jay Smith be made Honorary Pages of the Senate. Agreed.

Senators Jackson and Overbey moved that A. B. Futrell be made an Honorary Page of the Senate. Agreed.

Senator Fields moved that Paul Mark Frazier, Grace Elizabeth Strong, and Sandra Eversole be made Honorary Pages of the Senate. Agreed.

Orders of the Day

Senator Bassett moved Senate concurrence in House Amendment to **SB 233**.

Amend printed copy of **SB 233** on page 2, section 2, line 1 and 2 by striking lines 1 and 2 and substituting the following:

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

And on page 2, section 2, line 6, by striking line 6;

And on page 3, section 2, lines 29 through 36, by striking lines 29 through 36;

And on page 12, after section 10, line 35, by adding the following:

Section 10½. Section 199.320 and subsection (1) of Section 199.990 of the Kentucky Revised Statutes are repealed.

Agreed.

Senator Bassett moved **SB 233** as amended be placed on passage.

On roll call, the vote was: Yeas, 23—Anggelis, Bassett, Blake, Blue, Byers, Clay, Cornett, Mrs. J. H. Davis, Duffy, Francis, Hamilton, Hickerson, Howard, Howell, Jackson, Kelly, Kidwell, Melton, Miller, Overbey, Van Hoose, Ware, Warinner; Nays, 0.

SB 233, as amended passed and the title agreed to.

House Message

Announcing rejection of Senate Amendment to **HB 405**.

Motions

Senator Bassett moved that **HB 405** be recommitted to the Rules Committee. Agreed by voice vote.

House Message

Announcing rejection of Senate Amendment to **HB 208**.

Motions

Senator Bassett moved that the Senate refuse to recede from Senate Amendment to **HB 208**. Agreed by voice vote.

Senator Ware moved that the President appoint a Conference Committee to notify the House that the Senate refused to rescind its action on the amendment, and to ask the House to appoint a Conference Committee to meet with a Senate Conference Committee to resolve the differences on said amendment. Agreed.

The Chair then appointed the following members to said Committee: Senators Ware and Francis.

House Message

Announcing passage of **SB 195**, **SB 349**. Ordered that said bills be referred.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 601**, **HB 369** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 195**, **SB 349**, **SB 233** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Said bills delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

Motions

Senator Anggelis moved to suspend the Rules for the purpose of making a motion. Agreed.

Senator Anggelis, seconded by Senators Bassett and Kelly, moved that when the Senate adjourns today sine die, it adjourns in honor of the great victory by the University of Kentucky over Temple University and wish them success in the final game to be played March 22, 1958 and further moved that the Senate Clerk be directed to send a wire of congratulations to Coach Rupp and his team. Agreed by voice vote.

Committee Appointments

Senator Bassett moved that the President appoint a Committee to meet with a like Committee from the House regarding progress and approximate time of adjournment. The President appointed the following members to said Committee: Senators Howell, Kidwell and Van Hoose.

House Message

Announcing passage of **SB 351** with Amendment attached thereto, **SB 194**, **SB 130**. Ordered that said bills be referred.

Report of Committee

The Committee appointed to investigate the progress of the House reported that the House was still in session and time of adjournment sine die was uncertain.

Motions

Senator Bassett moved that the Senate refuse to recede from its position on **SB 351** and refuse to concur in House Amendment to **SB 351**. Agreed by voice vote.

Senator Bassett moved that the President appoint a Conference Committee to meet with a like Committee from the House regarding action on **SB 351**.

The President then appointed the following members to said Committee: Senators Ware, Howell and Clay.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 194**, **SB 130** had been examined and found correctly enrolled. Said bills read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Said bills, delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

Report of Committee

The Conference Committee reported that the House had accepted the Senate Amendment to **HB 208**.

Report on Enrolled Bills

Committee on Enrollment reported that **HB 208** had been examined and found correctly enrolled. Said bill read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

House Message

Announcing passage of **SR 50**, **SR 56**, **SB 14**. Ordered that said resolutions and bill be referred.

Report on Enrolled Bills

Committee on Enrollment reported that **SB 14**, **SR 50**, **SR 56** had been examined and found correctly enrolled. Said bill and resolutions read at length, compared, and signed in open session by the President. Ordered that the original and enrolled copies be delivered to the House.

Said bill and resolutions delivered, signed by the Speaker of the House. Ordered delivered to the Governor.

Committee Appointments

The President announced that the names of Senator Jackson and Senator Overbey would be added to the Committee previously appointed to wait upon the House and the Governor.

The Chair requested the Sergeant-at-Arms to notify the Conference Committee on **SB 351** that the Senate was ready to adjourn sine die.

Report of Committee

The Conference Committee reported that the Committee was unable to agree on **SB 351**.

The Senate members of the Conference Committee recommended that the Senate concur in the House Amendment to **SB 351**.

Orders of the Day

Senator Anggelis moved Senate concurrence in House Amendment to **SB 351**.

Amend printed copy of **SB 351** on page 1, by striking out all after the enacting clause and substituting in lieu thereof the following:

Section 1. As used in this Act:

(1) "Mail" means the delivery to a mail carrier or the deposit in a letter box or post office of a letter, with postage prepaid.

(2) "Abroad" means outside of the continental limits of the United States of America.

Section 2. Section 126.150 of the Kentucky Revised Statutes is amended to read as follows:

Any absent voter may, at any time not less than fifteen days before an election, make an application in writing and by mail, on the form prescribed in KRS 126.160 or on form 76 issued under 5 USCA 2184, to the clerk of the county court of the county of his residence, for an absent voter's ballot.

Section 3. (1) On the 14th day prior to the election and beginning at 2:00 p.m., the County Board of Election Commissioners and the County Clerk, together with interested candidates or their representatives, and representatives of news media, shall examine all applications for an absent voter's ballot for the purpose of determining the voter's right to make application, as well as the validity of the form and method of submitting the application itself. The County Clerk shall have the registration records at the meeting. **The County Clerk shall read the name of each applicant aloud, and the applicant and his application may be challenged by anyone present. The Board shall determine whether or not each application shall be accepted or rejected. If the application is rejected it shall be so marked and the voter notified of this fact and the reasons therefor. No ballot shall be sent in response to a rejected application nor prior to the examination provided for in this section.**

(2) The provisions of subsection (1) of this section shall not apply to applications submitted by members of the Armed Forces, their spouses and dependents stationed abroad; members of the Merchant Marine, their spouses and dependents stationed abroad; civilian

employees of the United States Government, their spouses and dependents stationed abroad; and members of religious groups and welfare organizations attached to and serving in the Armed Forces, their spouses and dependents stationed abroad.

(3) The county clerk shall, however, retain the envelope or post card used by any applicant enumerated in subsection (2) of this section, for inspection and examination.

Section 4. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

Applications for absent voter's ballots shall be signed and sworn to by the absent voter before a civil officer authorized by law to administer an oath, provided neither the officer nor his deputy is a candidate to be voted for at the election. Except as provided in Section 2 of this Act, the application shall be substantially in the following form:

"County Court Clerk of ----- County, -----, Kentucky.

"I, -----, state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of -----, County and have been such for more than six months prior to said date and expect to be absent therefrom in the course of my business or duties at the election to be held on the ----- day of -----, 19-----, and will not vote elsewhere at said election, and am a resident of ----- precinct of said county (or ----- Ward of the city of -----, county of -----), and have been such for at least sixty days prior to said date; that I reside at -----, (house number and street address, if in city, or county road and nearest neighbor, if in county) that I will be at least eighteen years of age by the day of the next election, and that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the ----- political party; I request that an official ballot be mailed to me at the following address:

(Name and address)

(Rank and Unit if member of Armed Forces)

(Department of United States Government if an employe
or the wife of an employe stationed abroad)

(Voter must sign here, and oath must be administered
and attested).

"Subscribed and sworn to before me this ----- day of
-----, 19-----.

(Name and Official Title)"

Section 5. Section 126.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon receipt of any application for an absent voter's ballot, the county court clerk shall examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds that the applicant is so registered, he shall forward a ballot to the voter as provided in KRS 126.190, subject to the provisions of Section 3 of this Act. If the county clerk does not find the applicant to be so registered, and if the application does not indicate that the applicant is a member of the Armed Forces, his spouse, or dependent stationed away from his legal residence; or a member of the Merchant Marine, his spouse or dependent stationed away from his legal residence; or a civilian employe of the United States Government, his spouse or dependent stationed abroad or in the District of Columbia; or a member of a religious group or welfare organization attached to and serving in the Armed Forces, his spouse or dependent who must remain away from his legal residence, the clerk shall immediately mail a letter to the applicant, at the address stated in the application, advising him that his application cannot be honored because of the fact that he is not registered, and advising him what period of time, if any, remains in which he may register prior to such election, and the clerk shall place the application in a file entitled "Nonregistered Applicants for Absent Voters' Ballots." If the clerk thereafter, and prior to the election, receives notice from the applicant advising the clerk that the applicant has registered, the clerk shall again examine the registration books, and if he finds that the applicant has registered he shall remove the application from the nonregistered applicants' file and forward a ballot as provided in KRS 126.190, subject to the provisions of Section 3 of this Act. Any applications not so removed from the nonregistered applicants' file shall be retained in such file until thirty days after the election, when they shall be burned by the clerk in the presence of the judge and sheriff of the county. If the application of a person found not to be registered indicates that the applicant is a member of the Armed Forces, his spouse, or dependent stationed away from his legal residence, or a member of the Merchant Marine, his spouse, or dependent stationed away from his legal residence; or civilian employe of the United States Government, his spouse or dependents stationed abroad or in the District of Columbia; or a member of a religious group or welfare organization, attached to and serving in the Armed Forces, his spouse or dependent who must remain away from his legal residence, the county court clerk, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered in the registration records of the proper precinct, and shall mark upon such registration records the words "Absentee Registration." Such registration may be made at any

time prior to the election for which an absent voter's ballot is applied for.

(2) Any person who has been registered under the provisions of subsection (1) of this section shall be required to reregister in person upon his first return to the county of his residence at a time when the books are open.

(3) The oath required of a member of the Armed Forces shall be taken as specified in KRS 384.080 and the oath required of a civilian employe of the United States Government or his wife stationed abroad may be taken by the persons mentioned in KRS 382.150. The seal of such officer must be attached to all oaths required under this section.

Section 6. Section 126.210 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voter's ballots, for all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter -----

Residence (street and number, if any) -----

County of -----

City or town of -----

On the other side of such envelope shall be printed the following oath:

"I do hereby swear (or affirm) that I am a citizen of the United States and am now of the age of at least eighteen years or will be on the day of the election to be held on the ----- day of -----, 19-----, (here insert the day of the election,) that I will have been a resident of the State of Kentucky for at least one year next preceding such election, and a resident of the County of -----, for more than six months preceding such election, and a resident of -----, precinct of said county (or ----- ward of the city of -----, County of -----) at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am affiliated with the ----- political party; that in the course of my business or duties I expect to be absent from said precinct or ward at the time of said election.

(Voter must sign here, and oath
must be administered and attested.)

"Subscribed and sworn to before me this ----- day of -----
-----,

(Official Title)"

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

Section 7. Section 126.230 of the Kentucky Revised Statutes is amended to read as follows:

When the absent voter receives the ballot and the two envelopes, he shall go before some civil officer authorized by law to administer an oath, provided neither the officer nor his deputy is a candidate to be voted for at the election, and before him make and subscribe to the affidavit on the face of the envelope and shall, in the presence of such officer and no one else, mark the ballot so as to indicate the way he desires to vote, but in such manner as to prevent the officer from knowing how the ballot is marked or how he has voted. He shall then, and while in the presence of the officer, fold the ballot in such way as to conceal the markings made thereon by him, and after the ballot has been so folded, he shall enclose it in the inner envelope; then seal said envelope and then enclose it in the outer envelope; then seal and write his name across the face of the outer envelope, and at once mail it to the county court clerk.

Senators Anggelis and Clay demanding a roll call on said motion, it was so ordered.

On roll call, the vote was: Yeas, 15— Anggelis, Bassett, Blake, Clay, Francis, Hamilton, Howell, Jackson, Kelly, Melton, Overbey, Van Hoose, Ware, Warinner, Willis; Nays, 0.

Motion lost for lack of constitutional majority.

Senator Overbey moved that the vote by which said amendment was rejected be reconsidered and said motion be laid on the table. Agreed by voice vote.

Senator Van Hoose moved that the vote by which House Amendment to **SB 351** was rejected be reconsidered.

The Chair announced, without objection, it was so ordered. Senator Overbey announced his objection.

The Chair announced objection sustained.

The Chair stated that the Senate would not be in session after 11:49 p.m., and advised the Committee to report to the House that the Senate had refused to concur in their amendment. Whereupon Representative Cook, Chairman of the House Committee, reported to the Chair that he had been advised that the House had adjourned. Whereupon the President of the Senate recognized the Floor Leader of the Senate, who announced that the Committee which was appointed to wait upon the Governor was ready to report.

Report of Committees

After a time the said committee reported that they had been received by the Governor, that said committee had discharged the duties imposed upon them and that the Governor of the Commonwealth had no further communication.

The Journals of the Senate were then read and compared and approved by the Senate.

Senator Bassett moved that the Senate do now adjourn sine die.

Said motion was agreed to.

And then the Senate adjourned sine die.

APPROVED:

Harry Lee Waterfield
President of The Senate

ATTEST:

Chas. C. Waggoner
Chief Clerk of Senate

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HISTORY OF SENATE BILLS

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- SB 1 Amending the Constitution to authorize Court of Appeals to appoint Clerk of the Court of Appeals (Clay).
- SB 2 Changing procedures relating to absentee voting, authorizing sick and infirm to vote absentee (Warinner).
- SB 3 Requiring county election commissioners be appointed not later than second Saturday in April (Warinner).
- SB 4 Changing primary election day to last Saturday in June (Warinner).
- SB 5 Repealing exemption of nonprofit tracks from pari-mutuel tax (Warinner).
- SB 6 Amending the Constitution to permit a veterans bonus (Warinner).
- SB 7 Reducing tax on cigarettes from three to two cents (Anggelis).
- SB 8 Requiring publication of annexation ordinances of fourth class cities (Ware).
- SB 9 Extending occupational tax rate in first class cities (Duffy, Young, Bonn, McCann).

- SB 10 Repealing state inheritance and estate taxes (Howard).
- SB 11 Requiring notice for guest passenger to sue as result of motor vehicle accident (Howard).
- SB 12 Requiring public meetings of state agencies (Freeman).
- SB 13 Abolishing exclusive jurisdiction of county court in juvenile cases (Greene).
- SB 14 Establishing state park at Bryan's Station (Clay, Anggelis).
- SB 15 Prohibiting General Assembly members to accept state employment during term (Freeman).
- SB 16 Prohibiting state officers and employes from benefiting from state contracts (Freeman).
- SB 17 Authorizing cities and counties to establish war memorials (Ware).
- SB 18 Increasing membership of Planning and Zoning Commission in counties with city of second class (Anggelis).
- SB 19 Setting forty hour work week for police in cities of second class (Richmond, Van Hoose).
- SB 20 Setting penalties for person under eighteen misrepresenting age to obtain alcoholic beverages (Freeman).
- SB 21 Repealing prohibition on cigarette sales at less than cost (Clay, Kidwell).
- SB 22 Changing primary election day to last Saturday in May (Byers, Duncan, Hickerson, Howard, Jackson).

HISTORY OF SENATE BILLS

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SB	9	23	53	574	574	594	627	1186	1189	573 601 626
SB	10	23	53							
SB	11	23	53							
SB	12	23	53							
SB	13	23	53	158	159	200	257			
SB	14	48	53	614	615	646	682	1385	1385	679
SB	15	48	53							
SB	16	48	53							
SB	17	49	57	192	194	200	230			
SB	18	49	57	78	78	82	85			
SB	19	49	57	78	78	82	86	682	696	687 688
SB	20	49	57							
SB	21	49	57							
SB	22	49	57	89	91	156				197

- SB 23 Increasing pay of circuit court jurors (Byers, Howard).
- SB 24 Amending the Constitution to permit biennial legislative session of 120 days (McCann).
- SB 25 Increasing pay of circuit court jurors (Van Hoose).
- SB 26 Adding election days to list of legal holidays (Van Hoose).
- SB 27 Requiring county clerk to forward election results in multi-county districts to Secretary of State (Howard).
- SB 28 Extending prohibition against operating motor vehicle without muffler or making unnecessary noise (Reuscher).
- SB 29 Authorizing Department of Highways to maintain entrances to schools, churches, cemeteries (Warinner).
- SB 30 Providing veterans bonus to be financed by sales tax on alcoholic beverages (Warinner).
- SB 31 Opening registration books closed for city election to county residents outside of city (Clay).
- SB 32 Increasing state election cost appropriations for voting machine precincts (Clay).
- SB 33 Amending the Constitution to allow sheriffs to succeed themselves (Howard, Jackson).
- SB 34 Abolishing Advisory State Highway Commission; establishing merit system in Department of Highways; authorizing county road civil service systems; making an appropriation (Freeman).
- SB 35 Repealing absentee voting (Willis).
- SB 36 Authorizing Department of Highway aid for city streets; making an appropriation (Warinner).
- SB 37 Authorizing the state to acquire local tuberculosis sanatoria (Anggelis).
- SB 38 Amending the Constitution to delete requirement of state property tax; changing basis of assessment (Clay).
- SB 39 Amending the Constitution to require all prosecutors be paid by salary (Clay).
- SB 40 Establishing Elizabethtown State College (Howard).
- SB 41 Limiting jurisdiction of juvenile session of county court (Howard).
- SB 42 Establishing a tobacco research project in University of Kentucky, College of Agriculture; making an appropriation (Ware, Kelly).
- SB 43 Authorizing water districts to extend gas distribution systems (Melton).
- SB 44 Defining a full crew for railroad freight trains (Fields).
- SB 45 Authorizing the state to procure and rent voting machines (Clay).
- SB 46 Increasing pay of guards for safekeeping prisoners (Anggelis).

HISTORY OF SENATE BILLS

v

		Intro- duced	Referred	Reported	Readings			House Message	Enrolled	Other Action
					1st	2nd	3rd			
SB	23	49	57	191	191	200				228
SB	24	49	57							
SB	25	57	60							
SB	26	57	60							
SB	27	57	60	89	91	156	196			
SB	28	57	60	195	196	200	230	1382	1382	
SB	29	57	60							
SB	30	57	60							
SB	31	57	60	89	89	156	196			
SB	32	57	60							
SB	33	57	60	779	803	914	1186			1186
SB	34	57	60							1188
SB	35	57	60							
SB	36	59	64							
SB	37	59	64	130	130	196	201			
SB	38	59	64							
SB	39	59	64							
SB	40	60	64	221	221	257	343			343
SB	41	60	64							
SB	42	64	69	212	212	257	341			341
SB	43	64	69	192	192	200	229	1352	1366	
SB	44	66	71	129						211
SB	45	66	71	339	339	535	600			600
SB	46	66	72	192	195	200	261			261

- SB 47 Requiring open meetings of all public agencies (Anggelis).
- SB 48 Authorizing permanent General Assembly standing committees (Anggelis).
- SB 49 Creating a State Board of Physical Therapy (Anggelis).
- SB 50 Requiring specified life insurance policy provisions relating to suicides and refunds (Knuckles).
- SB 51 Directing issuance of license to practice law to law school graduates, veterans of World War II or Korean Conflict (Knuckles).
- SB 52 Extending for 1958-1960 biennium the exemption of federal in lieu payments from required local tax effort for school program (Melton, Freeman, Overbey).
- SB 53 Amending the Constitution to require county judges in counties with a city of first three classes to be a lawyer (Freeman).
- SB 54 Authorizing all county judges to appoint trial commissioners (Jackson, Bassett).
- SB 55 Requiring open meetings of state agencies (McCann).
- SB 56 Eliminating three-day waiting period for marriage (Warinner).
- SB 57 Permitting teachers disability retirement after ten years accredited service (Warinner).
- SB 58 Requiring luminous motor vehicle registration plates (Warinner).
- SB 59 Regulating types and use of lights on motor vehicles (Overbey).
- SB 60 Permitting banks to remain open on specified legal holidays (Overbey).
- SB 61 Prohibiting leaving children unattended in public (Howard).
- SB 62 Relating to obstructing view in motor vehicle, setting windshield wiper requirements (Overbey).
- SB 63 Requiring tinted glass windshields in motor vehicles (Overbey).
- SB 64 Imposing liability for injuries received in aircraft operation (Overbey).
- SB 65 Prohibiting rebates between florists and funeral directors (Hamilton).
- SB 66 Setting forty hour work week for police in fourth class cities (Richmond).
- SB 67 Prohibiting fire insurance contracts requiring institution of action in less than five years (Willis).
- SB 68 Setting forty hour work week for police in third class cities (Richmond).

HISTORY OF SENATE BILLS

vii

		Intro- duced	Referred	Reported	Readings			House Message	Enrolled	Other Action
					1st	2nd	3rd			
SB	47	66	72	347	349	572	628			535 628
SB	48	67	72	700	775	777				
SB	49	67	72	172	173	200	207	778	870	207
SB	50	67	72	160	160	200	206			
SB	51	67	72	290	290	535	596	1361	1366	290 1361
SB	52	67	72							
SB	53	67	71							
SB	54	67	72	91 566	91	156	576			197 566
SB	55	67	72							
SB	56	69	72							
SB	57	69	72							
SB	58	69	72							
SB	59	69	72							
SB	60	69	72	160	161	200	259	1335	1349	258 1343
SB	61	69	72							
SB	62	69	72	195	195	200	341			
SB	63	69	72							
SB	64	69	71							
SB	65	69	71	558	559	576	651			
SB	66	69	71							
SB	67	69	72	160	160	200	257			
SB	68	71	79							

- SB 69 Prohibiting assessment of state employees for political campaigns (Richmond).
- SB 70 Relating to interest payable to oil or gas well owners or lessees (Richmond).
- SB 71 Requiring recorded endorsement of vehicle sales receipt, increasing clerk's fee (Richmond).
- SB 72 Requiring warehouses to accept all tobacco (Van Hoose).
- SB 73 Retaining seniority of teachers doing defense work (Kelly).
- SB 74 Providing for admission into evidence of lie detector examination (Howard, Francis).
- SB 75 Changing terms of court in the 46th Judicial District (Howard).
- SB 76 Raising maximum sick leave days for teachers (Knuckles).
- SB 77 Licensing motor scooters, transferring vehicle operators licensing to Department of Revenue (Blake).
- SB 78 Relating to appointment of Chairman and Director of Legislative Research Commission (Freeman).
- SB 79 Relating to total disability provisions of insurance policies (Knuckles).
- SB 80 Relating to assessments for sewer line improvements in cities of second to sixth classes (Mrs. J. Harry Davis).
- SB 81 Defining trailer coach parks (Duffy).
- SB 82 Establishing in Department of Highways a special fund for city streets; making an appropriation (Warinner).
- SB 83 Appropriating \$10 million for each year of biennium for county roads (Warinner).
- SB 84 Providing for inspection of public records; penalties (Angelis, McCann, Freeman).
- SB 85 Changing the computation of statutory periods of time (Clay).
- SB 86 Authorizing group life insurance for church congregations (Miller).
- SB 87 Changing membership of Legislative Research Commission (Young, Ware).
- SB 88 Changing appeals from Board of Claims to circuit court where action arose (Fields).
- SB 89 Providing for admission of oral evidence in insurance fraud cases (Fields).
- SB 90 Authorizing special motor vehicle operator's licenses for specified ones revoked (Ware).

HISTORY OF SENATE BILLS

ix

		Intro- duced	Referred	Reported	1st	Readings 2nd	3rd	House Message	Enrolled	Other Action
SB	69	71	79							
SB	70	71	79	589	590	626				656
SB	71	71	79	634	635	666	692	1352	1366	
SB	72	71	79							
SB	73	71	79	131	132	196	202			
SB	74	71	79	1011	1034	1185				
SB	75	71	79	158	159	200	226	1335	1341	
SB	76	71	79	614	614	646				
SB	77	77	82	137 222	138	196	286			202 205 257 286
SB	78	77	82							
SB	79	77	82	282						
SB	80	77	82	567	568	576	653	1352	1366	
SB	81	77	82	172	177	200	227			
SB	82	77	82	1083	1084	1211				
SB	83	77	82							
SB	84	77	82	158 347	158	200	205	573		205 206 357 535 557
SB	85	77	82	130	130	196	201			
SB	86	77	82	281	281	341	554			
SB	87	77	82							
SB	88	77	82	531	532	572	649			
SB	89	77	82	977	989	1051				
SB	90	77	82	129						204

- SB 91 Repealing procedure for suspending State Treasurer (Young, Ware).
- SB 92 Relating to powers and duties of local health departments; penalties (Johnson).
- SB 93 Changing requirements relating to vital statistics (Johnson).
- SB 94 Changing administration of registration of births and deaths (Johnson).
- SB 95 Prohibiting sale, distribution or transportation of misbranded hazardous substances; penalties (Johnson).
- SB 96 Relating to permits to operate a hotel, rooming house, boarding house or restaurant; penalties (Johnson).
- SB 97 Relating to safety approval and licensing of hospitals, nursing homes, homes for invalid and aged; penalties (Johnson).
- SB 98 Requiring permit to operate slaughterhouse, providing for inspection of meat products; penalties (Johnson).
- SB 99 Setting requirements for sale, manufacture, dispensing or administration of barbiturates; penalties (Johnson).
- SB 100 Providing for licensing of plumbers, and adoption of a plumbing code, in counties with city of first three classes; penalties (Johnson).
- SB 101 Regulating trafficking in narcotic drugs, providing heavy penalties (Johnson).
- SB 102 Enacting a new food, drug and cosmetics act; penalties (Johnson).
- SB 103 Establishing a rural dental scholarship fund (Fields).
- SB 104 Authorizing medical aid to indigent persons (Anggelis, Johnson, Hamilton).

- SB 105 Earmarking proceeds of pari-mutuel tax at nonprofit tracks (Freeman).
- SB 106 Authorizing law libraries in counties with city of third or fourth class (Van Hoose).
- SB 107 Providing increased retirement and disability payments to teachers (Richmond, Clay, Warinner, Greene, Jackson, Freeman, Blue, Van Hoose, Mrs. J. Harry Davis, Ware, Knuckles, Willis).
- SB 108 Stipulating authorized investments for Teachers Retirement System funds, providing for salary of TRS board (Richmond, Clay, Greene, Blue, Jackson, Freeman, Van Hoose, Mrs. J. Harry Davis, Anggelis, Ware, Willis, Young).
- SB 109 Increasing fine for littering public highways or land (Clay).
- SB 110 Prohibiting registration of private motor vehicles without certificates of financial responsibility; penalties (Lucas).
- SB 111 Providing income tax deductions for school expenses by parents of students and by teachers (McCann, Bonn, Hickerson).

HISTORY OF SENATE BILLS

xi

	Intro- duced	Referred	Reported	1st	Readings 2nd	3rd	House Message	Enrolled	Other Action
SB 91	77	82							
SB 92	81	87	172	182	200	227	1381	1382	
SB 93	81	87	872	874	963	1006	1381	1382	
SB 94	81	87	172	178	200	227	1381	1382	
SB 95	81	87	872	874	963	1006			
SB 96	81	87	872	877	963	1007			
SB 97	81	87	291	327	535	598			598
SB 98	81	87	779	846	914				
SB 99	81	87	291	294	535	597	1381	1382	
SB 100	81	87	872	883	963				
SB 101	81	87	291	319	535	597	1381	1382	
SB 102	81	87	779	785	914				
SB 103	82	87	347	347	572	600	1335	1341	
SB 104	82	87	291	297	535	1211			1212 1213 1214
SB 105	82	87							
SB 106	82	87	192	193	200	229	1352	1366	
SB 107	82	87	131	134	196	202	573	576	
SB 108	82	87	131	131	196	201	573	576	
SB 109	82	87	634	634	666				
SB 110	82	87	282 779	853	914				
SB 111	85	126							

- SB 112 Authorizing OASI coverage for teachers of any school district (Warinner, Fields).
- SB 113 Requiring warehousemen to cover stored property by insurance (Warinner).
- SB 114 Requiring motor vehicle guest passenger to give notice of intention to sue in case of accident (Van Hoose, Greene).
- SB 115 Authorizing cities and counties to establish a park playground and recreation system (Duffy, Bonn, McCann, Young).
- SB 116 Authorizing fiscal courts to delegate authority over public forests (Duffy, Bonn, McCann, Young).
- SB 117 Providing for assessments for sewer district purposes (Duffy, Bonn, McCann, Young).
- SB 118 Requiring parents to post bond to cover actions of probated juveniles (Reuscher, Clay).
- SB 119 Relating to sewer assessments and services in county with city of first class (Duffy, Bonn, McCann, Young).
- SB 120 Increasing to four the number of commissioners in city manager cities of third class (Francis).
- SB 121 Setting penalties for operation of motor vehicles while under the influence of drugs (McCann).
- SB 122 Reorganizing child welfare services (Anggelis)
- SB 123 Prohibiting unsecured cargo on bulk cargo vehicles (Francis).
- SB 124 Removing requirement that farm engines be stationary to qualify for 90 per cent gasoline tax refund (Miller).
- SB 125 Providing income tax deductions for school expenses by parents of students and by teachers (Miller).
- SB 126 Requiring loans by insurance companies to be at uniform rate of interest (Knuckles).
- SB 127 Changing primary election date to first Saturday in August (Freeman).
- SB 128 Authorizing dental service plan corporations (Fields).
- SB 129 Increasing workmen's compensation payments (Fields).

- SB 130 Requiring rest periods for working females; penalties (Fields).
- SB 131 Requiring bonds to secure wage payments in specified businesses; penalties (Fields).
- SB 132 Authorizing OASI coverage for teachers in state vocational schools, and schools for deaf and blind (Francis).
- SB 133 Changing terms of court in the 34th Judicial District (Duncan).
- SB 134 Providing payment of veterans bonus financed by sales tax on alcoholic beverages; penalties (Byers).

HISTORY OF SENATE BILLS

xiii

	Intro- duced	Referred	Reported	1st	Readings 2nd	3rd	House Message	Enrolled	Other Action
SB 112	85	126							
SB 113	85	126							
SB 114	85	126	160	161	200				283
SB 115	85	126	269	272	341	550			
SB 116	85	126	552	552	572	650			
SB 117	85	126	269	269	341	549			278
SB 118	85	126	191	191	200	228			
SB 119	85	126	269	275	341	549			
SB 120	85	126	567	567	576	653	1352	1366	579
SB 121	89	156							
SB 122	89	156	291	292	535	597			
SB 123	89	156	634	634	666				
SB 124	89	156							
SB 125	89	156							
SB 126	89	156							
SB 127	89	156							
SB 128	89	156	610	611	646	699	1352	1366	
SB 129	89	156	162 621	162	646				200 621
SB 130	89	156	282	282	341	555	1384	1385	555
SB 131	89	156	282 779	837	914				288
SB 132	89	156	872	894	963				
SB 133	89	156	191	192	200	229	917	920	
SB 134	129	199							

- SB 135 Authorizing all fiscal courts to purchase motor vehicle liability insurance for county employees (C. H. Davis, Clay).
- SB 136 Permitting regulated firing of black powder in underground coal mines (C. H. Davis).
- SB 137 Broadening powers of boards of Chambers of Commerce (Richmond).
- SB 138 Creating Milk Marketing and Antimonopoly Commission, providing for licensing and regulation of marketing practices; penalties (Richmond, Melton, Freeman, Francis, Overbey).
- SB 139 Providing that all motor truck registration fees be evenly distributed among counties (Lucas, A. E. Cornett).
- SB 140 Providing for teachers' life certificates after 20 years consecutive service (Van Hoose).
- SB 141 Declaring the state cigarette tax to be a levy on the consumer (Ware).
- SB 142 Prohibiting cremation without a coroner's certificate; penalty (Johnson).
- SB 143 Authorizing detention of probable shoplifter; penalty (Bassett).
- SB 144 Providing for payment of expenses of court reporters (Robinson, Knuckles, Van Hoose, Warinner).
- SB 145 Requiring Workmen's Compensation Board to furnish certificate of an injury report (Duffy, Fields).
- SB 146 Authorizing closing of public offices in counties with city of first three classes (Young, McCann).
- SB 147 Requiring luminous license plates, permitting use for more than one year (McCann).
- SB 148 Eliminating school employees from those prohibited from supplying school services and goods (Greene).
- SB 149 Transferring Glasgow to the third class of cities (Greene).
- SB 150 Specifying grounds and procedures for election contest suits (Clay).
- SB 151 Amending the Constitution to guarantee "right to work" (Duffy, Kelly).
- SB 152 Prohibiting sale of refrigerator not readily opened from inside; penalty (Byers).
- SB 153 Increasing pay of tax supervisors (Robinson).
- SB 154 Changing rates of discount of future workmen's compensation payments (Miller).
- SB 155 Changing interest rate chargeable by small loan companies (Knuckles).
- SB 156 Changing date for payment and reporting of domestic bank deposits tax (Francis).

HISTORY OF SENATE BILLS

xv

	Intro- duced	Referred	Reported	1st	Readings 2nd	3rd	House Message	Enrolled	Other Action
SB 135	129	199	567 1192	1207	1254				
SB 136	129	199	252	252	283	345			
SB 137	129	199	589	589	626	689			
SB 138	129	199	213	213	257	594	1335	1341	283- 285 593 594
SB 139	129	199	700	764	777				
SB 140	129	199							
SB 141	129	199	221	221	257	286			
SB 142	129	199	779	850	914	1073			
SB 143	129	199	279	279	341				595 628
SB 144	129	199	289	289	535	595	1363	1372	
SB 145	156	199	589	589	626	1006			
SB 146	157	203	679	681	688	972			972
SB 147	157	203							
SB 148	157	203	346 700	754	777				
SB 149	157	203	567	570	576	654			
SB 150	157	203							
SB 151	157	203	1011	1031	1185				
SB 152	157	203							
SB 153	158	203	567	567	576	652			652
SB 154	158	203	282	282	341	595			595
SB 155	158	203	281	281	341	554			554
SB 156	158	203							

- SB 157 Prohibiting abandonment of motor vehicle on public ways; penalty (Francis).
- SB 158 Changing terms of court in the 41st Judicial District (Cornett).
- SB 159 Providing that State Department of Health be located in Louisville (McCann, Young, Miller, Duffy, Bonn).
- SB 160 Providing for county elections on adoption of Daylight Saving Time (Freeman).
- SB 161 Limiting absentee voting to special classes, changing procedure for absentee voting (Warinner).
- SB 162 Authorizing public street lighting districts with authority to levy tax on property (Duncan).
- SB 163 Authorizing free hunting license for disabled veterans (Knuckles).
- SB 164 Requiring school board members to have completed high school (Knuckles).
- SB 165 Providing a uniform system for administration of child welfare service and adoption, defining juvenile court jurisdiction and procedures (Kidwell).
- SB 166 Setting Commonwealth policy to encourage nuclear development (Bassett).
- SB 167 Authorizing residents of military establishment to adopt children; emergency (Bassett).
- SB 168 Regulating independent business schools; penalty; emergency (Richmond).
- SB 169 Adopting the Uniform Commercial Code (Bassett).
- SB 170 Providing for joinder of defendants (Bassett).
- SB 171 Relating to order of arguments when more than one defendant is tried (Bassett).
- SB 172 Specifying defendant peremptory challenges (Bassett).
- SB 173 Specifying Commonwealth peremptory challenges (Bassett).
- SB 174 Authorizing election of local school superintendents (Freeman).
- SB 175 Authorizing impounding of motor vehicle involved in accident unless operator shows financial responsibility (McCann).
- SB 176 Prohibiting post-mortem except with specified consent (Johnson).
- SB 177 Placing maximum on sheriffs penalty for delay in paying in collected taxes (Jackson).
- SB 178 Authorizing suspension of city employees for violation of rules in cities of second and third classes (Ware).
- SB 179 Authorizing Assistant Attorney General for Department of Education (Willis, Richmond).

HISTORY OF SENATE BILLS

xvii

	Intro- duced	Referred	Reported	Readings			House Message	Enrolled	Other Action
				1st	2nd	3rd			
SB 157	158	203							
SB 158	158	203	289	289	535	596			596
SB 159	198	203							
SB 160	200	209							
SB 161	202	209	700	766	777				
SB 162	202	209	563	563	576	673			673
SB 163	203	209	552	552	572	650			650
SB 164	203	209	346						630
SB 165	204	235	291	303					646
									347
SB 166	204	236	347	353	572	647	1352	1366	
SB 167	204	235	291	332	535	599	1352	1366	
SB 168	204	236	332	333	535	599	1352	1366	
SB 169	207	236	347	368	572	648	1335	1366	
SB 170	208	236	700	719	777				
SB 171	208	236	700	719	777				
SB 172	208	236	700	720	777				
SB 173	208	236	700	720	777				
SB 174	211	264	332	335	535				628
SB 175	211	264							
SB 176	211	264	291	325	535	598	1364	1372	
SB 177	211	264	613	613	646				
SB 178	212	264	269	277	341				577
SB 179	212	264							

- SB 180 Setting office hours for county and city governments in Jefferson County (McCann, Young).
- SB 181 Providing for allocation of construction costs of railroad-highway crossing; requiring maintenance by governmental units (Kidwell).
- SB 182 Requiring complete election count in one week after election day (Anggelis).
- SB 183 Relating to appointment of teachers in event of board-superintendent disagreement (Knuckles).
- SB 184 Prohibiting certain actions relating to dividend payments on insurance (Knuckles).
- SB 185 Prohibiting payment of school superintendent for educational leave (Knuckles).
- SB 186 Providing overtime pay for teachers (Knuckles).
- SB 187 Amending Constitution to require election only of Governor, Lieutenant Governor, Auditor of Public Accounts and Attorney General (Clay).
- SB 188 Permitting nonpartisan citizens groups to name election challengers (Anggelis).
- SB 189 Authorizing state educational institutions to finance new buildings by bonds payable from revenues of any buildings (Anggelis, Kelly, Robinson, Hamilton, Jackson).
- SB 190 Making appropriation for free textbooks (Francis).
- SB 191 Authorizing three additional commissioners for Court of Appeals (Bassett).
- SB 192 Enacting the Uniform Criminal Extradition Act (Bassett).
- SB 193 Increasing jurisdiction of Board of Claims to \$15,000 (Clay).
- SB 194 Enacting a new law to govern fraternal benefit societies (Anggelis).
- SB 195 Changing qualifications of city attorney in cities of fourth class (Jackson).
- SB 196 Abolishing county boards of registration and purgation in counties with city of first class (Miller).
- SB 197 Authorizing suits involving Department of Highways to be brought in county in which cause arose (Fields).
- SB 198 Establishing a program of home instruction for the blind (Fields).
- SB 199 Authorizing water district payments to US Farmers Home Administration (Anggelis).
- SB 200 Authorizing Public Service Commission to supply gas shortages (Knuckles, Bassett).
- SB 201 Changing name of Kentucky Disabled Ex-Service Men's Board to Veteran's Affairs Commission (Bassett).
- SB 202 Placing Geological Survey under an independent director (Bassett).

HISTORY OF SENATE BILLS

xix

	Intro- duced	Referred	Reported	1st	Readings 2nd	3rd	House Message	Enrolled	Other Action
SB 180	231	264							
SB 181	237	287	347	352	572	647	1335	1341	
SB 182	237	287	872	899	963				
SB 183	237	287	779	852	914				
SB 184	237	287							
SB 185	237	287	977	998	1051				
SB 186	237	287	977	998	1051				
SB 187	237	287							
SB 188	237	287	779	803	914				
SB 189	237	287	347	350	572	646	1352	1366	
SB 190	238	287							
SB 191	238	287	347	353	572	647	1352	1366	
SB 192	238	287	347	359	572	648			
SB 193	260	287	531	534	572	649			
SB 194	260	287	779	806	914	1006	1384	1385	
SB 195	260	287	558	559	576	650	1384	1384	650
SB 196	261	287	922	945	1001	1258			1258
SB 197	267	346	779	852	914				
SB 198	267	346							
SB 199	267	346	589	593	626	692			
SB 200	267	268	279	279	341	550	970	976	550
SB 201	268	346	700	721	777	1075			
SB 202	268	346	589	591	626	693	1371	1378	

- SB 203 Changing law relating to Water Pollution Control Commission; members and employees (Bassett).
- SB 204 Creating a Tobacco Auction Warehouse Board, specifying fees, duties and procedures; penalty (Bassett).
- SB 205 Declaring standard time and prohibiting use of state funds by agencies using other time (Hamilton).
- SB 206 Authorizing building and loan association to form co-operative to guarantee shares, investments; penalty (Hamilton).
- SB 207 Prohibiting parking meters; penalty (Johnson).
- SB 208 Prohibiting contract denying beneficiary right to choose physician; penalties (Johnson).
- SB 209 Transferring West Point to the fifth class of cities (Howard).
- SB 210 Amending Constitution to extend tax exemption to charitable and nonprofit educational institutions (Knuckles).
- SB 211 Requiring life insurance companies to invest seventy-five (75) per cent in securities relating to the Commonwealth (Knuckles).
- SB 212 Creating a Water Resources Study Commission (Bassett).
- SB 213 Permitting withdrawal from a watershed conservancy district (Bassett).
- SB 214 Making an appropriation for agricultural inspection personnel (Fields).
- SB 215 Providing pension for members of the General Assembly (McCann).
- SB 216 Amending Constitution to remove tax exemptions of religious and charitable institutions (Van Hoose).
- SB 217 Permitting withdrawal from water districts (Jackson).
- SB 218 Prohibiting unfair trade practices by cemeteries; penalty (Howard).
- SB 219 Proposing a veterans bonus financed by lottery on Kentucky Derby (McCann, Lucas, Kelly, Bonn).
- SB 220 Requesting flag display on Grandfather's Day (McCann, Bonn).
- SB 221 Regulating time for sale of alcoholic beverages (Jackson).
- SB 222 Authorizing adults, or their successors, to dispose of body for scientific study (Johnson).
- SB 223 Prohibiting employers from interfering in employees political activity; penalty (Howell).
- SB 224 Requiring the election of city clerk in third class cities (Freeman).
- SB 225 Prohibiting solicitation of legal business for an attorney; penalty (Ware, Van Hoose).
- SB 226 Directing a statue of the late Alben W. Barkley (Melton, Freeman).

HISTORY OF SENATE BILLS

xxi

	Intro- duced	Referred	Reported	Readings			House Message	Enrolled	Other Action
				1st	2nd	3rd			
SB 203	268	346	589	591	626	693	1371	1378	693
SB 204	268	346	601	602	646	1257	1364	1372	1257 1258
SB 205	268	346	561	562	576				667 668
SB 206	268	346							
SB 207	268	346	558	559	576				
SB 208	268	346	606	607	646	672			670 672 673
SB 209	268	346	567	569	576	653	1382	1382	
SB 210	268	346							
SB 211	268	346							
SB 212	268	346	700	717	777	918	1371	1378	
SB 213	268	346	700	717	777	918	1371	1378	
SB 214	287	346	700	754	777				
SB 215	287	346							
SB 216	287	346							
SB 217	287	346	656	657	672	1216	1352	1366	1361
SB 218	288	536							
SB 219	289	536							
SB 220	289	536	558	560	576	667			667
SB 221	289	536	679						
SB 222	289	536	610	610	646	691	1381	1382	
SB 223	289	536	558	560	576				
SB 224	289	536	633	633	666				
SB 225	346	536	582	582	626				
SB 226	347	555							920 1008

- SB 227 Repealing required distribution of Acts of Congress (Bassett).
- SB 228 Eliminating from Criminal Code requirement that taxed cost be for benefit of officers (Johnson, Howell).
- SB 229 Changing compensation of Justices of the Peace for serving in criminal cases (Johnson, Howell).
- SB 230 Amending Constitution to permit General Assembly to grant manufacturers a five year tax exemption (Miller).
- SB 231 Requiring prorata distribution for teachers salaries of local taxes above specified level (Knuckles).
- SB 232 Authorizing use of public health tax funds for construction of buildings (Lucas).
- SB 233 Relating to jurisdiction of juvenile session of county courts, providing for probation of children; penalty; emergency (Francis, Jackson).
- SB 234 Imposing tax on airline carriers landing in this state (Overbey).
- SB 235 Changing the requirements with respect to licensing, recording of liens, and regulating of motor vehicles; increasing clerks fee; making an appropriation (Bassett).
- SB 236 Permitting suspension of veterinarians license for failure to conform with code of ethics (Hamilton).
- SB 237 Crediting members of Kentucky Employees Retirement System for war time service (Bassett).
- SB 238 Permitting inter-local cooperation agreements (Bassett).
- SB 239 Prohibiting purchasers of crude oil from keeping money due producer in excess of sixty days (Richmond).
- SB 240 Authorizing life insurer to create wholly owned subsidiary; authorizing specified investments (Richmond).
- SB 241 Restricting jurisdiction of constables (Clay).
- SB 242 Providing for compulsory poliomyelitis vaccination of children (Hamilton).
- SB 243 Authorizing Court of Appeals to provide for appeals in civil matters not as of right (Overbey).
- SB 244 Extending public projects authorizing for acquisition and bond issue to include those used by United States Government (Bassett).
- SB 245 Amending requirements and procedure relating to public road districts (Duffy).
- SB 246 Providing for adjustment of awards in workmen's compensation cases, changing computation of earning and defining occupational diseases (Davis, Lucas, Kelly).
- SB 247 Decreasing the tax on passenger motor vehicles (Overbey).
- SB 248 Providing for transferring of teacher service credits (Knuckles).

HISTORY OF SENATE BILLS

xxiii

	Intro- duced	Referred	Reported	Readings			House Message	Enrolled	Other Action
				1st	2nd	3rd			
SB 227	347	555	614	617	646	693			
SB 228	347	555							
SB 229	347	555	700	755	777	✓ 973	1344	1349	973 1345
SB 230	535	550	922	952	1001				
SB 231	535	556	779	852	914				
SB 232	536	556							
SB 233	536	556	582	582	626	689	1382	1384	689 1383
SB 234	550	573							
SB 235	550	573	700	721	777	918	1352	1366	
SB 236	557	578	601	606	646	689			689
SB 237	558	578	614	620	646	692	1364	1372	
SB 238	558	578	614	618	646				
SB 239	558	578	644	644	666				
SB 240	558	578							
SB 241	558	578	614	615	646				
SB 242	558	578	610	610	646	778			778
SB 243	574	629	645	645	666	699	1380	1382	
SB 244	574	629	635	638	666	778	1352	1366	
SB 245	574	629							
SB 246	574	629	682 700	747	777				1075
SB 247	574	629	872	897	963				
SB 248	574	629	700	762	777	1075			

- SB 249 Providing annual salary increments to teachers (Knuckles).
- SB 250 Excluding officers or employees performing proprietary functions from compensation limitations (Richmond).
- SB 251 Increasing compensation and expenses allowed master commissioners (Richmond).
- SB 252 Authorizing regulation of operation of boilers; penalty (Angelis).
- SB 253 Excepting roller rinks from prohibited Sunday activity (Van Hoose).
- SB 254 Making an appropriation to Department of Law (Willis, Ware, McCann, Robinson, Clay, Bonn, Duffy, Blue, Kidwell).
- SB 255 Enacting the Uniform Gifts to Minors Act (Bassett, Clay).
- SB 256 Requiring election of school board members from county at large (Knuckles).
- SB 257 Increasing penalty for unlawful sale of narcotics to adults (Francis).
- SB 258 Establishing a statewide system of forest-fire protection, providing for local levied tax (Kelly).
- SB 259 Prohibiting circulation of subversive literature; penalty (Warinner).
- SB 260 Requiring state to bear one half cost of specified county record books (Warinner).
- SB 261 Creating a permanent joint legislative committee on governmental affairs; making an appropriation (Miller, Ware).
- SB 262 Providing annual teachers salary increments (Warinner).
- SB 263 Making an appropriation for free textbooks (Warinner).
- SB 264 Setting maximum per diem for city councilmen (Warinner).
- SB 265 Setting compensation of special court reporters (Warinner, Robinson, Johnson).
- SB 266 Increasing compensation of grand jury stenographers (Warinner).
- SB 267 Permitting policemen, other than in cities of first and second classes, to accept outside jobs (Howard).
- SB 268 Providing increased tax credits for victims of crippling diseases (Hamilton).
- SB 269 Requiring county-wide local option, except in counties with cities of first and second class (Greene).
- SB 270 Establishing county employees retirement system (Bassett, Clay, Francis, Overbey, Knuckles, Warinner, Fields, Ware, Hickerson, Jackson, Freeman, Lucas, Richmond, Duncan, Robinson).
- SB 271 Relating to standard grace periods for insurance policies (Knuckles).

HISTORY OF SENATE BILLS

xxv

	Intro- duced	Referred	Reported	Readings			House Message	Enrolled	Other Action
				1st	2nd	3rd			
SB 249	578	629							
SB 250	578	629	1192	1192	1254	1306	1382	1382	
SB 251	578	629	679	679	688				
SB 252	579	629	700	773	777				
SB 253	579	629							
SB 254	579	629							
SB 255	579	629	635	638	666	698	1380	1382	
SB 256	579	629	700	763	777				
SB 257	579	629							
SB 258	579	629	700	759	777	919			
SB 259	594	629	700	773	777	972			972
SB 260	594	629	922	943	1001				
SB 261	598	629							
SB 262	601	631							
SB 263	601	631							
SB 264	601	631	779	867	914	1075	1382	1382	
SB 265	601	631							
SB 266	601	631							
SB 267	601	631	872	901	963	1076			
SB 268	601	631	779	839	914	1306			1306
SB 269	601	631	779	868	914				
SB 270	601	631	645 700	645	777	966			966 975
SB 271	626	631							

- SB 272 Prohibiting operation of motor vehicles while under influence of drugs; penalty (McCann).
- SB 273 Relating to newspaper publication of legal notices, requiring certain matters to be published (Richmond).
- SB 274 Changing procedure relating to absentee voting (Clay).
- SB 275 Relating to classification of teachers with twenty years service (Warinner).
- SB 276 Abolishing theater seat tax (Warinner).
- SB 277 Providing for appointment of counsel for pauper defendants (Freeman, Ware).
- SB 278 Relating to membership on board of trustees for policemen's and firemen's pension funds in cities of second and third classes. (Kelly)
- SB 279 Amending licensing provisions relating to retail installment sales of motor vehicles, providing for approval of contract forms; penalty (Francis).
- SB 280 Conferring upon State Property and Buildings Commission exclusive power to borrow money, issue and sell revenue bonds (Bassett).
- SB 281 Removing restriction on payment of Confederate widows pension (Greene).
- SB 282 Providing annual election of one-third of board of trustees of rural utilities cooperatives (Van Hoose).
- SB 283 Excluding domestic stock insurance companies from premium tax (Blake).
- SB 284 Reducing days for meeting of boards of registration and purgation, other than counties with cities of first class (Melton).
- SB 285 Exempting local delivery service from carrier requirements (Overbey).
- SB 286 Adopting Tennessee River Basin Water Pollution Control Compact (Bassett).
- SB 287 Creating a criminal code committee to study recodification; making an appropriation (Bassett).
- SB 288 Amending Constitution to authorize locally adopted charters in cities of first and second class (Clay).
- SB 289 Making an appropriation for control of the Japanese beetle (Clay, Van Hoose, Johnson, Robinson).
- SB 290 Authorizing Legislative Research Commission to set fees for publications (Bassett).
- SB 291 Relating to informational copies of administrative regulations (Bassett).
- SB 292 Restricting eligibility for specified workmen's compensation payments (Kelly).

HISTORY OF SENATE BILLS

xxvii

	Intro- duced	Referred	Reported	1st	Readings 2nd	3rd	House Message	Enrolled	Other Action
SB 272	626	631							
SB 273	629	631	657	657	672	916	1352	1366	
SB 274	629	631							
SB 275	632	669							
SB 276	633	669							
SB 277	633	669							
SB 278	633	669	700	762	777				
SB 279	633	669							
SB 280	633	669	700	726	777	971			
SB 281	633	669	700	715	777	918	1382	1382	
SB 282	633	669							
SB 283	633	669							
SB 284	646	669	1011	1011	1185				
SB 285	655	669	700	764	777	964	1352	1366	
SB 286	655	669	700	728	777	1076	1380	1382	
SB 287	655	669	700	735	777	1076	1380	1382	1076
SB 288	655	669	1218	1219	1254				
SB 289	655	669	684	684	688				
SB 290	656	669	700	716	777	917	1380	1382	
SB 291	656	669	700	716	777	1077	1380	1382	
SB 292	656	678	682						

- SB 293 Requiring Department of Highways to maintain public memorials (Warinner).
- SB 294 Amending Criminal Code to authorize bond pending probation applicaitons (Francis).
- SB 295 Defining pharmacy and increasing pharmacist license renewal fees (Miller).
- SB 296 Amending Constitution to authorize bonds for veterans bonus (Howell, Van Hoose, Warinner, McCann).
- SB 297 Increasing membership of Legislative Research Commission (Van Hoose).
- SB 298 Increasing period for county clerk to report motor vehicle license fees (Hamilton).
- SB 299 Restricting use of information on former convictions in criminal trial (Clay).
- SB 300 Establishing State Archives and Records Commission (Bassett, Clay).
- SB 301 Excepting auger mining from strip mining regulation (C. H. Davis).
- SB 302 Restricting establishments on rights-of-way on federal interstate system (Hamilton, Mrs. J. H. Davis).
- SB 303 Authorizing Department of Highways to maintain entrances to schools, churches and cemeteries (Robinson).
- SB 304 Setting age for entering first grade of schools (Richmond).
- SB 305 Prohibiting all but public accountants and lawyers from filling out state income tax for compensation; penalty (Kelly).
- SB 306 Prohibiting unfair trade practices by cemeteries; penalty (Howard).
- SB 307 Increasing compensation of elected state officials (Overbey).
- SB 308 Changing requirements relating to articles of incorporation (Bassett).
- SB 309 Creating a State Division of Recreation, specifying powers and duties, authorizing acquisition of property (Howell).
- SB 310 Restricting courts in the entering of filing away orders (Miller, Clay, Blake).
- SB 311 Setting educational requirements for school board candidates (Knuckles, Richmond, Freeman, Cornett).
- SB 312 Providing a comprehensive revision of annexation laws (Richmond).
- SB 313 Authorizing fiscal courts to levy for conservation purposes (Van Hoose).
- SB 314 Setting forty hour work week for firemen in cities of second class (Richmond).
- SB 315 Creating Industrial Development Finance Authority, authorizing loans for industrial buildings and projects (Howell).

HISTORY OF SENATE BILLS

xxix

	Intro- duced	Referred	Reported	Readings			House Message	Enrolled	Other Action
				1st	2nd	3rd			
SB 293	672	686	779	868	914				
SB 294	672	686	977	993	1051				
SB 295	678	686	1011	1013	1185				
SB 296	678	686	922	942	1001	1303	1364	1372	1303 1304
SB 297	679	686	779	865	914				
SB 298	682	686	779	845	914	1307			
SB 299	682	686							
SB 300	683	686	700	736	777	971	1380	1382	
SB 301	688		779	836	914				
SB 302	688		779	846	914	1256			1256
SB 303	688		700	765	777	1074			1074
SB 304	688		779	864	914	1080			1081
SB 305	688								
SB 306	696		779	841	914	1077			1082
SB 307	696		872	898	963	1077	1380	1382	
SB 308	696		779	782	914	1078	1382	1382	
SB 309	696		779	842	914	1077	1371	1378	
SB 310	699		872	899	963	1078			
SB 311	699								
SB 312	776		779	861	914				
SB 313	777		977	989	1051	1307	1371	1378	
SB 314	777		922	937	1001	1217			
SB 315	777		872	901	963	1078	1364	1378	

- SB 316 Providing workmen's compensation benefits for injuries resulting from nuclear material (Richmond).
- SB 317 Authorizing members of General Assembly to join state employees retirement system (Johnson).

- SB 318 Authorizing night horse races (Richmond).
- SB 319 Removing restrictions on investment requirements of state employees retirement system (Bassett).
- SB 320 Restricting use of flashing lights along highways rights-of way; penalty (Bassett).
- SB 321 Authorizing accident insurance to cover state employees; emergency (Bassett).
- SB 322 Changing membership of Board of Claims, establishing procedures and setting board's exclusive jurisdiction (Bassett).
- SB 323 Prohibiting specified practices in sales of motor vehicles (Bassett).
- SB 324 Authorizing special police in cities of second class (Reuscher).
- SB 325 Providing for nonpartisan election of Superintendent of Public Instruction (Warinner).
- SB 326 Prohibiting violence against a news reporter or photographer; penalty (Anggelis).
- SB 327 Requiring speed zone changes to be painted on highway surface (Blake).
- SB 328 Specifying payment to sheriffs on tax collection held up by litigation (Jackson).
- SB 329 Directing execution of the Interstate Compact on Juveniles (Bassett).
- SB 330 Imposing liability on seller for injuries due to sale of alcoholic beverages (Overbey).
- SB 331 Promoting the bee industry; making an appropriation (Cornett).
- SB 332 Relating to acquisition of waterworks by cities and water districts (Jackson).
- SB 333 Requiring hospital service plans to allow choice of hospital; penalty (Johnson, Warinner).
- SB 334 Abolishing State Board of Chiropractic Examiners (Johnson).
- SB 335 Transferring Erlanger to the third class of cities (Ware).
- SB 336 Making appropriation for county roads and bridges (Warinner, Van Hoose, Johnson, Howell, Robinson).
- SB 337 Requiring bail bondsmen to be licensed by Department of Insurance; penalty (Fields).

HISTORY OF SENATE BILLS

xxxix

	Intro- duced	Referred	Reported	Readings			House Message	Enrolled	Other Action
				1st	2nd	3rd			
SB 316	777		922	953	1001				
SB 317	777		922	943	1001	1254	1364	1372	1214 1215 1223
SB 318	872		872	914	963	1080	1335	1341	
SB 319	872		922	922	1001	1079	1382	1382	
SB 320	872		922	923	1001				
SB 321	872		922	923	1001	1071	1352	1366	
SB 322	872		922	924	1001	1214	1352	1366	1358 1359
SB 323	872		922	927	1001				
SB 324	872		977	989					
SB 325	872		922	961	1001				
SB 326	916		922	937	1001	1079			
SB 327	916		977	982	1051				
SB 328	916		1192	1192	1254	1305	1382	1382	
SB 329	919		922	927	1001	1080			
SB 330	922		977	995	1051				
SB 331	922		977	995	1051				
SB 332	922		1083	1087	1211				
SB 333	922		977	991	1051				
SB 334	922		977	989	1051				
SB 335	968		977	993	1051	1215	1335	1341	
SB 336	970		977	997	1051	1256			
SB 337	970		1011	1031	1185				

- SB 338 Abolishing permanent registration and providing for periodic registration every 6 years (Greene).
- SB 339 Requiring notaries public to be 21 years of age (Cornett).
- SB 340 Authorizing specialized treatments for state mental patients; making an appropriation (Lucas).
- SB 341 Making the county the voting unit in local option elections (Van Hoose).
- SB 342 Authorizing state assistance to cities in fiscal management (Bassett).
- SB 343 Changing the composition of State Investment Commission (Bassett).
- SB 344 Relating to regional planning (Bassett).
- SB 345 Authorizing fiscal courts to establish flood-plain zoning (Howell).
- SB 346 Extending coverage of state retirement system (Bassett).
- SB 347 Increasing circuit clerk's fee for issuing chauffeurs licenses (Howell).
- SB 348 Providing immediate payment of teachers' death benefits (Blake, Clay).
- SB 349 Broadening powers and duties of Department of Aeronautics (Howell).
- SB 350 Extending judgment of no jurisdiction to quasi-judicial tribunals (Bassett, Clay).
- SB 351 Changing procedures relating to absentee voting (Warinner).

- SB 352 Making all cold check offenses felonies (Kelly).
- SB 353 Increasing weekly workmen's compensation benefits (Fields).
- SB 354 Abolishing permanent registration and purgation outside cities of first class, providing for periodic registration in those areas (Greene).
- SB 355 Reviser's bill to correct errors in **Kentucky Revised Statutes** (Howell).
- SB 356 Providing for payment of physician's fees in workmen's compensation cases (C. H. Davis).
- SB 357 Establishing Breathitt County State Park; making an appropriation (C. H. Davis).
- SB 358 Amending Constitution to authorize alternate forms of county government (Bassett, Anggelis, Blake, Cornett, Davis, Duncan, Fields, Greene, Hamilton, Howard, Howell, Jackson, Johnson, Kelly, Knuckles, Lucas, Overbey, Richmond, Robinson, Warinner).

HISTORY OF SENATE BILLS

xxxiii

	Intro- duced	Referred	Reported	1st	Readings 2nd	3rd	House Message	Enrolled	Other Action
SB 338	974		977	990	1051				
SB 339	974		977	988	1051				
SB 340	976		1192	1207	1254				
SB 341	976								
SB 342	976		1192	1193	1254	1305			
SB 343	976		1002	1002	1051	1186			
SB 344	976		1192	1193	1254	1308			
SB 345	976		1011	1035	1185	1215			
SB 346	976		1083	1084	1211				
SB 347	976		1011	1036	1185				
SB 348	977		1011	1031	1185	1255	1364	1372	
SB 349	1011		1051	1051	1185	1216	1384	1384	
SB 350	1011		1192	1196	1254	1305	1382	1382	
SB 351	1083		1164	1169	1211	1254	1384		1255 1385 1386
SB 352	1083								
SB 353	1083		1164	1177	1211				
SB 354	1083		1164	1178	1211				
SB 355	1185		1192	1197	1254	1304	1380	1382	
SB 356	1191		1218	1218	1254				
SB 357	1191		1218	1218	1254				
SB 358	1191		1218	1220	1254				

HISTORY OF SENATE RESOLUTIONS

Numbers refer to page of Senate Journal. Text of resolution is given on first reading or adoption. Joint resolutions are designated **SJR**; concurrent resolutions are designated **SCR**.

-
- | | | |
|-----|----|---|
| SR | 1 | Inviting Frankfort pastors to open Senate sessions (Bassett). |
| SR | 2 | Authorizing a committee to inform the House and the Governor that the Senate is organized (Bassett). |
| SR | 3 | Adoping permanent rules (Bassett). |
| SR | 4 | Authorizing a public address system for Senate (Robinson). |
| | | |
| SJR | 5 | Directing an election on question of official standard time (Clay). |
| SCR | 6 | Adjourning from January 8 to January 13 (Bassett). |
| SCR | 7 | Declaring proposed Jessamine Creek Dam contrary to interest of Kentucky (Clay). |
| SJR | 8 | Authorizing Norman Gnau and insurers to sue the state (Duffy). |
| SJR | 9 | Directing Legislative Research Commission to evaluate the Minimum Foundation Program, making an appropriation (Bassett). |
| SCR | 10 | Petitioning President of United States to review court martial sentence of Colonel John C. Nickerson (Clay, C. H. Davis). |
| SJR | 11 | Directing Legislative Research Commission to study education of exceptional children, making an appropriation (Warinner). |
| SCR | 12 | Directing employment of full time chaplain for each house of General Assembly (Warinner). |
| SJR | 13 | Directing Legislative Research Commission to study kindergartens, making an appropriation (Warinner). |
| SJR | 14 | Directing Legislative Research Commission to study fee system, making appropriation (Warinner). |
| SJR | 15 | Directing Legislative Research Commission to study science curricula (Warinner). |
| SCR | 16 | Directing Department of Highways to seek U.S. designation for KY 15 (Fields, Kelly, Clay, C. H. Davis). |
| SR | 17 | Petitioning Governor to retain Department of Health in Louisville (McCann). |
| SR | 18 | Directing executive agencies to submit list of employees (Kidwell). |
| SCR | 19 | Memorializing Congress to refund \$1.50 of whiskey excise to the state (Howard). |
| SJR | 20 | Authorizing Helen Klinglesmith to sue the state (Bonn). |

HISTORY OF SENATE RESOLUTIONS

xxxv

		Intro- duced	Referred	Reported	1st	Readings 2nd	3rd	Adopted	House Message	Enrolled	Other Action
SR	1	7						7			
SR	2	7						7			
SR	3	7						46			46
SR	4	22	22					46			22
											45
SJR	5	22	53								
SCR	6	45						45			
SCR	7	47						48	61		
SJR	8	49	57	187	187	200	260				
SJR	9	49	57	614	617	646		698			697
SCR	10	55						56	61		56
SJR	11	56	60	977	1000	1051					
SCR	12	56									57
SJR	13	58	64	977	999	1051					
SJR	14	58	64	872	872	963	1003				1004
SJR	15	58	64	977	999	1051		1259			1259
SCR	16	59						59	65		
SR	17	61									61
SR	18	63						64			70
SCR	19	66						66	86		
SJR	20	66	72	187	188	200	261				

- SCR 21 Memorializing Congress to change public assistance category to “permanent or total.” (Warinner).
- SJR 22 Directing Legislative Research Commission study of medical care for indigent mentally retarded children; making an appropriation (Warinner).
- SCR 23 Memorializing Congress not to enact Harris-O’Hara natural gas bill (Clay, Anggelis, Duffy, Bonn, Young, McCann, Ware, Reuscher, Kelly).
- SR 24 Memorializing Congress to enact strawberry marketing legislation (Warinner).
- SCR 25 Commemorating Alben William Barkley (Melton, Freeman, Willis).
- SR 26 Directing reproduction of lists submitted under SR 18 (Kidwell).
- SCR 27 Designating portion of KY 15 as “Trail of the Lonesome Pine” (Fields).
- SCR 28 Memorializing Congress to repeal wartime transportation taxes (Kelly).
- SCR 29 Requesting establishment of state park at Buckhorn Reservoir (Fields).
- SCR 30 Providing inquiry into feasibility of veterans’ benefit laws; emergency (Warinner).
- SR 31 Requesting highway departments to protect natural foliage (Clay).
- SR 32 Congratulating Kenton County on 118th Anniversary (Ware).
- SR 33 Commending University of Louisville football team (Duffy).
- SCR 34 Directing Legislative Research Commission to study state purchase of dam sites (Miller).
- SCR 35 Urging a College of Mines at University of Kentucky (Fields).
- SJR 36 Authorizing suit against state in interest of Andrew, Cecil, and T. W. Taylor (Overbey).
- SJR 37 Authorizing William E. Scent to sue the state (Willis, Van Hoose).
- SCR 38 Memorializing Congress to provide federal aid for school construction (Warinner).
- SCR 39 Directing Legislative Research Commission to study the state tax structure (Miller).
- SJR 40 Authorizing Charles C. Gross to sue the state (Cornett).
- SCR 41 Adjourning from February 11 to February 17 (Van Hoose).

HISTORY OF SENATE RESOLUTIONS

xxxvii

		Intro- duced	Referred	Reported	1st	Readings 2nd	3rd	Adopted	House Message	Enrolled	Other Action
SCR	21	68						68	86		
SJR	22	69	72								
SCR	23	69									69
SR	24	73			127						73 127 129
SCR	25	73						74	86		
SR	26	74						75			
SCR	27	75						75	86		
SCR	28	75						76	86		
SCR	29	76						77	86		
SCR	30	80	87								
SR	31	80						81			
SR	32	83						84			
SR	33	84						84			
SCR	34	84		779	784	914		1004			
SCR	35	88						88	535		
SJR	36	129	199	531	531	572	648				
SJR	37	129	199	571	571	576	675				
SCR	38	157						1259			1259
SCR	39	157						231	535		
SJR	40	157	203	531	533	572	649				
SCR	41	204				.		204 206	230		206

- SR 42 Commemorating 150th birthday of Abraham Lincoln (Warinner, Knuckles, Byers, Cornett, Van Hoose, Mrs. J. H. Davis, Duncan, Miller, Lucas).
- SCR 43 Designating Joseph William Wells as poet laureate (Warinner).
- SCR 44 Directing appointment of joint committee to investigate Minimum Foundation Program; emergency (Howell).
- SCR 45 Urging support of civil defense volunteer units (Hamilton).
- SJR 46 Authorizing suit against the state in interest of Mr. and Mrs. W. E. Taylor (Francis).
- SCR 47 Setting joint session to hear S. R. Sapirie (Bassett).
- SCR 48 Directing Legislative Research Commission to continue study of judicial system (Bassett).
- SR 49 Expressing regret at death of Judge Joseph P. Goodenough (Ware).
- SJR 50 Directing Legislative Research Commission to study model state banking code, making an appropriation (Bassett).
- SJR 51 Directing Legislative Research Commission to study uniform title law, making an appropriation (Bassett).
- SJR 52 Directing Legislative Research Commission to study merit system for state employees, making an appropriation (Bassett).
- SCR 53 Extending invitation to Yarborough School of Dance (Knuckles).
- SR 54 Memorializing Congress to place postal increases on money losing classes of mail (Greene).
- SR 55 Directing certification of national guard service of Harold R. Morris (Richmond).
- SJR 56 Directing Legislative Research Commission to study metropolitan government, making an appropriation (Bassett).
- SCR 57 Extending condolences to family of J. B. Wells, Sr. (Van Hoose).
- SR 58 Memorializing Congress to lower retirement age (Warinner).
- SJR 59 Authorizing James Lynn Forsythe to sue the state (Overbey).
- SR 60 Congratulating City of Fort Thomas on 91st anniversary (Reuscher).
- SJR 61 Directing payment of a claim of Homer A. Spillman (Kidwell).
- SR 62 Extending condolences to family of James E. Quill (Ware).
- SR 63 Requesting Department of Economic Development to study coal resources (Warinner).

HISTORY OF SENATE RESOLUTIONS

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SR		Intro- duced	Referred	Reported	Readings			Adopted	House Message	Enrolled	Other Action
					1st	2nd	3rd				
SR	42	208						209			
SCR	43	211						1004			1004
SCR	44	211	346								
SCR	45	211		779	838	914		1073			
SJR	46	237									
SCR	47	259						259	267		
SCR	48	265						266	573		
SR	49	266						267			
SJR	50	288	629	635	635	666	691		1385	1385	
SJR	51	288	536	779	779	914	969				
SJR	52	288	536	779	780	914	969				
SCR	53	288	536	614	621	646		667	682		
SR	54	557						558			
SR	55	558	578	614	616	646	698	698			
SJR	56	579	629	635	636	666	915		1385	1385	915
SCR	57	593						593			
SR	58	601	631					1005			
SJR	59	632	669								
SR	60	632						632			
SJR	61	651	669	779	781	914	963		1364	1372	
SR	62	668						668			
SR	63	670	686					1005			

- SR 64 Extending sympathy to people of Floyd County on tragic school bus accident (Howell).
- SCR 65 Petitioning federal government to study highway fills for water impoundment (Howell).
- SR 66 Memorializing Congress to extend veterans' education benefits (Kelly, Overbey, Hamilton, Anggelis, Johnson, Robinson, Jackson).
- SR 67 Restricting amount of donation by Senators (McCann).
- SJR 68 Authorizing Harriet R. Roche to sue the state (Bonn).
- SJR 69 Authorizing Gerald J. Roche to sue the state (Bonn).
- SCR 70 Expressing appreciation for Prayer Fellowship Breakfast (Van Hoose).
- SCR 71 Providing for joint session on March 17 (McCann).
- SR 72 Memorializing Congress to maintain manpower level of National Guard (Warinner).
- SCR 73 Memorializing Congress to refrain from placing tolls on waterways (Robinson).
- SR 74 Petitioning Governor to appoint committee to study needs of mentally retarded (Richmond).
- SJR 75 Appropriating \$20,000 to Prestonsburg Disaster Committee (Howell).
- SJR 76 Authorizing estate of Florence Reule to sue the state (Van Hoose).
- SR 77 Extending condolences to Addison L. Everett (Kelly).
- SR 78 Relating to donations by Senators (Willis).
- SCR 79 Directing Legislative Research Commission to study airlines; making an appropriation (Overbey).
- SR 80 Requesting Levi Jackson State Park swimming pool be named after Russell Dyche (Lucas).
- SR 81 Urging Department of Conservation retention of swimming area policy (Freeman, Melton, Kidwell).
- SCR 82 Providing for sine die adjournment (Bassett).
- SR 83 Commending Stonewall Jackson Memorial, Inc. (Bassett).
- SCR 84 Directing Legislative Research Commission to study library service (Howell).
- SCR 85 Memorializing Congress to implement Federal Flood Insurance Act (Howell).
- SCR 86 Memorializing federal government to include specified counties in Eastern Time Zone (Anggelis, Miller, Duffy, Bonn, McCann, Young, Howell, Cornett, Van Hoose, Howard).
- SR 87 Memorializing Congress to establish uniform system of marriage laws (Warinner).
- SCR 88 Directing appointment of joint committee to investigate state park system (Freeman).

HISTORY OF SENATE RESOLUTIONS

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		Intro- duced	Referred	Reported	1st	Readings 2nd	3rd	Adopted House Message	Enrolled	Other Action
SR	64	670						670		
SCR	65	671	686							
SR	66	684	686	700	775	778		1216		
SR	67	684								684
SJR	68	684	686	1083	1085	1211	1255			
SJR	69	684	686	1083	1085	1211	1256			
SCR	70	687								
SCR	71	687						687		
SR	72	695						696		
SCR	73	696						696	1371	
SR	74	870						871		
SJR	75	871		922	943	1001				
SJR	76	871								
SR	77	915						915		
SR	78	916								
SCR	79	919		922	952	1001	1073			
SR	80	920						921		
SR	81	921						922		
SCR	82	976						976	1222	
SR	83	976								
SCR	84	976						1306		
SCR	85	976		1083	1086	1211				
SCR	86	1009								1009 1010
SR	87	1010								1010
SCR	88	1010								

- SCR 89 Directing erection of marker at site of Floyd County school bus disaster (Howell).
- SR 90 Memorializing Congress to establish three time zones (Anggelis).
- SR 91 Deploring wearing of sack apparel (McCann).
- SR 92 Adjourning on March 17 in honor of St. Andrew (McCann).
- SR 93 Directing Legislative Research Commission to study alcoholic beverage laws (Bassett).
- SR 94 Directing Department of Motor Transportation to study uniform motor vehicle laws (McCann).
- SR 95 Authorizing committee to investigate alleged attempts to influence legislation (Knuckles).
- SCR 96 Commending Kentucky's favorable business climate (Bassett).
- SJR 97 Directing Legislative Research Commission to study specified phases of education and children (Warinner).
- SCR 98 Designating KY 55 as "Sergeant York Trail" (Warinner).
- SCR 99 Designating KY 35 as "Wolf Creek Dam Highway" (Warinner).
- SR 100 Urging televising of NCAA basketball tournaments (Francis).
- SR 101 Commending Capitol Press Club for coverage of session (McCann).
- SCR 102 Inviting Republican National Committee to hold 1960 Republican National Convention in Louisville (Van Hoose, Mrs. J. H. Davis, Miller, Warinner, Knuckles, Lucas, Cornett, Duncan, Byers).
- SR 103 Authorizing Legislative Research Commission to study model state banking code (Bassett).
- SR 104 Directing Legislative Research Commission to study uniform title law (Bassett).
- SR 105 Directing Legislative Research Commission to study merit system for state employees (Bassett).
- SR 106 Directing Legislative Research Commission to study metropolitan area government (Bassett).
- SR 107 Directing Legislative Research Commission to study airlines (Overbey).

HISTORY OF SENATE RESOLUTIONS

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		Intro- duced	Referred	Reported	1st	Readings 2nd	3rd	Adopted	House Message	Enrolled	Other Action
SCR	89	1010						1011			
SR	90	1082						1083			
SR	91	1189						1189			
SR	92	1190						1190			
SR	93	1190						1191			
SR	94	1191						1192			
SR	95	1223	1223								
SCR	96	1297						1299			
SJR	97	1299						1299			
SCR	98	1335						1335	1344		
SCR	99	1336						1336	1344		
SR	100	1336						1337			
SR	101	1337						1338			
SCR	102	1342						1342			
SR	103	1366						1367			
SR	104	1367						1368			
SR	105	1368						1369			
SR	106	1369						1370			
SR	107	1376						1377			

HISTORY OF HOUSE BILLS

Number refer to page of Senate Journal. Text of bill is given on 1st reading.

-
- HB 1** Biennial administration budget bill.
- HB 2** Increasing individual income tax credits, raising minimum for reporting.
- HB 5** Authorizing court to require parents to pay for damages by child.
- HB 10** Providing for state aid to fire departments; making an appropriation.
- HB 12** Repealing pari-mutual tax exemption of nonprofit tracks.
- HB 13** Establishing a Division of Civil Air Patrol; making an appropriation.
- HB 15** Transferring Hardinsburg to the fifth class of cities.
- HB 16** Changing manner of summoning circuit court jurors.
- HB 21** Increasing days that retired teachers may do substitute teaching.
- HB 23** Increasing pay of grand and petit jurors.
- HB 25** Defining shoplifting offense; penalty.
- HB 26** Regulating use of flashing lights on vehicles; penalty.
- HB 29** Prohibiting sale of alcoholic beverages to persons under 21 years of age, changing prosecution procedure; penalty.
- HB 32** Escheating unredeemed trading stamps; penalty.
- HB 35** Requiring use of standard time; penalty.
- HB 36** Extending force of garnishment order.
- HB 38** Limiting absent voting.
- HB 42** Transferring Mt. Olivet to fifth class of cities.
- HB 49** Removing motor vehicle violations from juvenile court.
- HB 60** Transferring Beaver Dam to fourth class of cities.
- HB 67** Authorizing cooperatives to retain unclaimed distributable savings.
- HB 71** Providing for master zoning plans in counties with city of second class, increasing number of commissioners.
- HB 72** Authorizing purchase of furniture for executive mansion.
- HB 73** Increasing maximum travel allowance for state employees.
- HB 76** Increasing penalty for driving while under influence of narcotics or intoxicants.
- HB 79** Requiring state preference in purchases from Kentucky Industries for the Blind.

INDEX—HISTORY OF HOUSE BILLS

		House Message	Referred	Reported	1st	Readings 2nd	3rd	Enrolled	Other Action
HB	1	65	69	92	92	156	198	203	126 197
HB	2	65	69	141	142	196	202	208	141 142
HB	5	230	264	1083	1093	1211			
HB	10	129	203	779	834	914	1340	1352	1340 1341
HB	12	341	536	613	614	646	675	687	670 672 675 678
HB	13	231		1083	1093	1211	1339	1352	1339
HB	15	129	203	567	570	576	674	687	
HB	16	129	203	290	290	535	596	631	
HB	21	129	203	332	339	535	599	631	
HB	23	129 206	236	779	836	914			156
HB	25	535	555	558	561	576	595	631	595
HB	26	596	629	1083	1094	1211	1345	1352	
HB	29	631	631	700	756	777	1363		1363 1374
HB	32	535	555	922	940	1001			
HB	35	259	287	614	614	646	667	687	667 668
HB	36	1222	1222	1260	1260	1303	1353	1381	
HB	38	1222	1222	1260	1261	1303			
HB	42	129	203	567	570	576	674	687	
HB	49	129	203	1083	1095	1211	1338	1352	1338
HB	60	129	203	1083	1096	1211			
HB	67	129	203	212	212	257	283	557	
HB	71	778	778	1083	1096	1211	1350	1352	
HB	72	267	346	589	589	626	690	916	
HB	73	970	970	1083	1103	1211	1310	1344	
HB	76	631	631	1083	1104	1211			
HB	79	778	778	922	963	1001	1216	1293	1217

- HB 83 Authorizing force account construction on state highways.
- HB 85 Requiring early completion of election counts.
- HB 90 Creating a division of services for the blind.
- HB 93 Extending exemption of federal in lieu payments from required local tax effort under school foundation program.
- HB 96 Setting procedure for serving process against nonresident insurance agents.
- HB 102 Concerning application for life insurance agents license.
- HB 103 Restricting operations of government owned insurance companies.
- HB 104 Amending schedule of insurance fees and license taxes.
- HB 109 Raising maximum insurance coverage for credit union members.
- HB 111 Transferring Lynnview to fifth class of cities.
- HB 112 Transferring Carlisle to fourth class of cities.
- HB 119 Increasing unemployment benefits and tightening eligibility requirements.
- HB 120 Authorizing state colleges at Elizabethtown and Mt. Vernon.
- HB 129 Amending the Constitution to permit sheriffs to succeed themselves.
- HB 132 Requiring reporting of felony charges to Department of Public Safety.
- HB 133 Empowering county judges to appoint trial commissioners; emergency.
- HB 139 Relating to regulation of carriers by Department of Motor Transportation and power to designate exempted commodities.
- HB 140 Making available monies for construction of national guard armories.
- HB 143 Requiring two-thirds vote to change bylaws of State Farm Bureau Federation.
- HB 147 Authorizing local governments to convey real estate; emergency.
- HB 149 Increasing state payments for election precincts with voting machines.
- HB 151 Raising lower range classification of motor carrier to 24,001 pounds.
- HB 152 Limiting special fuel tax to carriers of 24,001 pounds or more.
- HB 153 Permitting transfer of stock in corporations holding wholesale alcoholic beverage license.
- HB 154 Amending the Constitution to permit a veterans bonus.

HISTORY OF HOUSE BILLS

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		House	Referred	Reported	Readings			Enrolled	Other
		Message			1st	2nd	3rd		Action
HB	83	573	629	635	644	666	682		679 683
HB	85	267	346	977	979	1051			
HB	90	535	555	561	562	576	652	687	
HB	93	267	346	579	579	626	666	687	656
HB	96	631	631	1083	1104	1211	1346	1352	1346
HB	102	682		1083	1104	1211	1347	1352	
HB	103	682		1083	1106	1211	1348	1352	
HB	104	682		1083	1106	1211	1348	1352	
HB	109	682		922	940	1001	1310	1344	
HB	111	267	346	567	570	576	674	687	
HB	112	259	287	633	633	666	779	1081	
HB	119	129	203	238	238	283	344	557	344
HB	120	682		1083	1107	1211			
HB	129	970	970	977	1001	1051	1186	1293	1186
HB	132	1075		1083	1108	1211	1380	1382	
HB	133	631 1079	631	700	718	777	968	1186	968 975 1080
HB	139	975		1011	1038	1185	1310	1344	
HB	140	341	536	579	580	626	690	916	
HB	143	573	578	609	609	646	1380	1382	
HB	147	682		779	782	914	964	1081	
HB	149	631	631	700	747	777	1003	1081	1003
HB	151	267	346	1083	1108	1211			
HB	152	267	346	1083	1109	1211			
HB	153	778	778	922	944	1001	1217	1293	
HB	154	687	687	1083	1111	1211			

- HB 157 Making an appropriation for school districts with separate schools for handicapped and retarded children.
- HB 159 Increasing membership of Industrial Safety Board.
- HB 160 Extending employees' health and safety requirements to restaurants, hotels and apartment houses.
- HB 171 Authorizing increase in license fees of optometrists.
- HB 172 Permitting Board of Optometric Examiners to expend agency fund money.
- HB 174 Providing for central issuance of driver licenses; making an appropriation; emergency.
- HB 177 Authorizing medical aid to indigent persons.
- HB 187 Transferring Florence to the third class of cities.
- HB 194 Increasing fees of Clerk of Court of Appeals and circuit and county clerks.
- HB 202 Extending social security to staffs of specified state educational institutions.
- HB 205 Proclaiming Grandmother's Day.
- HB 206 Requiring gas pipeline companies to serve property owners.
- HB 208 Increasing state and local government employees contribution rate for social security.
- HB 209 Establishing an agricultural products research project, making an appropriation.
- HB 215 Specifying procedures on appeals in public assistance cases.
- HB 216 Prohibiting court appointed committees from handling public assistance funds.
- HB 217 Requiring approval of institutions with public assistance recipients.
- HB 223 Providing venue in actions arising on stream bounding counties.
- HB 231 Changing terms of court in the 36th Judicial District.
- HB 236 Extending social security to school districts.
- HB 241 Authorizing school boards to issue revenue bonds.
- HB 250 Transferring Glasgow to third class of cities.
- HB 265 Authorizing stockyard owners to choose own veterinarians.
- HB 267 Making school bus safety laws applicable to church busses.
- HB 270 Increasing state salary of circuit judges, making an appropriation.
- HB 276 Requiring Department of Agriculture to regulate handling of anhydrous ammonia; penalties.
- HB 278 Changing procedures in slum clearance and redevelopment law.
- HB 279 Changing condemnation procedures for housing projects.

HISTORY OF HOUSE BILLS

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	House Message	Referred	Reported	1st	Readings 2nd	3rd	Enrolled	Other Action
HB 157	341	536	561	561	576	651	687	1294 1296 1297
HB 159	778	778	977	977	1051	1221	1344	
HB 160	778	778	977	977	1051	1260	1344	
HB 171	1222	1222	1260	1266	1303	1352	1381	
HB 172	1297	1297	1311	1311	1338	1353	1381	
HB 174	1079		1083	1111	1211	1308	1344	
HB 177	1297	1297	1311	1312	1338			
HB 187	682		700	743	777	693	1081	
HB 194	1222	1222	1260	1266	1303	1355	1381	
HB 202	596	629	700	756	777	1005	1081	
HB 205	230	264	279	280	341	551	631	551
HB 206	1294	1294	1299	1299	1338			
HB 208	975		1083	1114	1211	1354	1385	1354 1383 1384 1385
HB 209	778	778	1083	1120	1211			
HB 215	975		1083	1121	1211	1355	1381	
HB 216	975		1083	1122	1211	1355	1381	
HB 217	975		1083	1123	1211	1356	1381	
HB 223	596	629	654	654	666	1356	1381	
HB 231	1075		1083	1123	1211	1374	1381	
HB 236	1188	1188	1223	1223	1303			
HB 241	970	970	1083	1124	1211			
HB 250	682		700	743	777	971	1081	
HB 265	1294	1294	1299	1300	1338	1358	1381	
HB 267	1297	1297	1311	1317	1338			
HB 270	631	631	645	645	666	691	916	
HB 276	917	917	1083	1125	1211	1340	1352	1340
HB 278	778	778	1083	1126	1211	1377	1382	
HB 279	778	778	1083	1137	1211	1377	1381	

- HB 280 Relating to master zoning plan in cities of second class.
- HB 283 Requiring fee simple title of land for school purposes.
- HB 284 Requiring certification of qualifications for school board members.
- HB 295 Giving tax credit to foreign insurance companies with Kentucky regional office.
- HB 298 Authorizing zoning in unincorporated areas.
- HB 300 Changing terms of court in 23rd Judicial District.
- HB 303 Restricting use of city health departments in counties with county department.
- HB 306 Including females in definition of national guard.
- HB 307 Setting fees and expenses of county tax commissioners.
- HB 308 Authorizing Department of Revenue to furnish copies of records.
- HB 309 Changing and standardizing limitations on retroactive tax assessments.
- HB 310 Permitting local retention of all payments in lieu of alcoholic beverage license suspension.
- HB 311 Setting pay scale for members of national guard in active service.
- HB 312 Authorizing state money for construction of fire house in Frankfort.
- HB 313 Increasing maximum of workmen's compensation subsequent injury fund and maintenance fund.
- HB 319 Authorizing railroads to condemn land by alternative method.
- HB 320 Authorizing assistant Commonwealth's attorney in counties with city of second class.
- HB 321 Permitting county court to remove water district commissioners; emergency.
- HB 326 Authorizing sewer district construction districts to issue revenue bonds.
- HB 338 Extending arrest powers of conservation officers.
- HB 340 Basing racing license tax on the pari-mutuel handle.
- HB 341 Authorizing mineral leases in counties bordering Ohio River.
- HB 350 Enacting interstate compact on mental health.
- HB 351 Limiting restriction on outside compensation of Department of Mental Health doctor; authorizing pay to patients for work performed.
- HB 352 Providing program for rehabilitation of alcoholics in Department of Mental Health.
- HB 353 Limiting compensation for transporting mental patients.
- HB 357 Transferring LaGrange to fourth class of cities.

HISTORY OF HOUSE BILLS

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	House Message	Referred	Reported	1st	Readings 2nd	3rd	Enrolled	Other Action
HB 280	778	778	1083	1138	1211	1378	1381	
HB 283	631	631	1083	1139	1211	1379	1382	
HB 284	631	631	1083	1139	1211			
HB 295	1257	1257	1260	1270	1303	1362	1381	1362
HB 298	778	778	872	907	963	1308	1344	
HB 300	778	778	872	900	963	1343	1352	
HB 303	970	970	1083	1140	1211			
HB 306	778	778	922	937	1001	1343	1352	
HB 307	917	917	977	980	1051	1344	1352	
HB 308	778	778	1083	1141	1211	1348	1352	
HB 309	970	970	1083	1141	1211	1349	1352	
HB 310	970	970	1083	1143	1211	1349	1352	
HB 311	778	778	922	938	1001	1344	1352	
HB 312	778	778	1083	1143	1211	1358	1381	
HB 313	917	917	977	978	1051			
HB 319	1186	1186	1192	1209	1254	1309	1344	
HB 320	1188	1188	1223	1227	1303			
HB 321	1222	1222	1260	1271	1303	1378	1381	
HB 326	970	970	1011	1014	1185	1359	1381	
HB 338	778	778	1083	1144	1211			
HB 340	778	778	872	873	963	1005	1081	
HB 341	1297	1297	1311	1319	1338			1376 1381
HB 350	778	778	1083	1145	1211	1363	1381	1363
HB 351	778	778	1083	1151	1211	1363	1381	
HB 352	778	778	1084	1152	1211	1364	1381	
HB 353	778	778	1084	1154	1211	1364	1381	
HB 357	975		1084	1155	1211	1345	1352	

- HB 369 Extending power of Department of Fish and Wildlife Resources to permit netting of rough fish.

- HB 371 Requiring Assistant Attorney General for Department of Education.
- HB 377 Establishing a statewide system of forest fire protection.
- HB 405 Relating to loans and investments of life insurer.

- HB 408 Authorizing county tax for maintenance of old cemeteries.
- HB 412 Exempting from gross utilities tax those utilities used in mining.
- HB 426 Prohibiting stopping school bus in area of poor visibility; penalty.
- HB 427 Prohibiting drag racing.
- HB 442 Relating to acquisition and lease of real estate by the state.
- HB 443 Establishing a state police retirement system.
- HB 447 Requiring counting prisoner's former confinement in determining eligibility for parole.
- HB 448 Prohibiting delivery of contraband to state prisoners; penalty.
- HB 461 Authorizing greyhound racing; penalties.
- HB 466 Extending state retirement system to Department of Military Affairs.
- HB 470 Repealing the state amusement tax.
- HB 475 Establishing county employees retirement systems.
- HB 476 Decreasing state bus seat tax.
- HB 480 Specifying nomination of one State Fair Board member from list by Kentucky Livestock Improvement Association.
- HB 498 Authorizing drugs for indigent tuberculosis hospital discharges, making an appropriation.
- HB 510 Making an appropriation for statue of Alben William Barkley.
- HB 517 Creating Kentucky Board of Examiners in Watchmaking; penalty.
- HB 522 Prohibiting defeated primary candidate from running for office in city of fourth class.
- HB 523 Relating to certification of assessments by Kentucky Tax Commission.
- HB 534 Requiring utility companies to furnish services to property owners.
- HB 546 Imposing state taxes on trucks and trailers.
- HB 550 Prohibiting municipalities from duplicating public utility facilities.

HISTORY OF HOUSE BILLS

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	House Message	Referred	Reported	1st	Readings 2nd	3rd	Enrolled	Other Action
HB 369	778	778	977	982	1051	1360	1384	1360 1371 1373 1374
HB 371	1188	1188	1223	1227	1303			
HB 377	970	970	1084	1155	1211	1339	1352	
HB 405	1297	1297	1311	1319	1338	1374		1374 1383
HB 408	1297	1297	1311	1325	1338			
HB 412	1188	1188	1223	1228	1303	1379	1382	
HB 426	778	778	1084	1159	1211	1379	1382	
HB 427	778	778	1084	1159	1211	1380	1382	
HB 442	1294	1294	1299	1301	1338	1372	1381	
HB 443	1222	1222	1260	1274	1303	1345	1352	
HB 447	975		1084	1159	1211	1364	1381	
HB 448	975		1084	1160	1211	1365	1381	
HB 461	1188	1188	1223	1228	1303			
HB 466	975		1084	1160	1211	1309	1344	
HB 470	917	917	922	961	1001	1074	1186	
HB 475	970	970	1011	1015	1185	1260	1344	
HB 476	1186	1186	1192	1208	1254	1311	1344	
HB 480	778	778	1084	1163	1211	1365	1381	
HB 498	1297	1297	1311	1325	1338	1353	1381	1353
HB 510	1186	1186	1192	1209	1254			1295
HB 517	1297	1297	1311	1325	1338	1373	1382	
HB 522	1188	1188	1223	1234	1303	1372	1381	
HB 523	1297	1297	1311	1330	1338	1359	1381	
HB 534	1294	1294	1299	1302	1338			
HB 546	1188	1188	1223	1235	1303	1338	1352	
HB 550	1186	1186	1192	1208	1254	1309	1344	

- HB 561** Authorizing cities to set classified sewer rates.
- HB 562** Authorizing cities to enforce sewer rate collections by stopping service.
- HB 567** Requiring microfilming of court records, making an appropriation.
- HB 590** Authorizing suits against state and subdivision; emergency.
- HB 601** Permitting water district to cross county lines.
- HB 605** Authorizing highway fills to impound water.
- HB 626** Requiring notice of mortgage on tobacco crop.

HISTORY OF HOUSE BILLS

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	House Message	Referred	Reported	Readings			Enrolled	Other Action
				1st	2nd	3rd		
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HB 562	1075		1164	1167	1211	1371	1381	1371
HB 567	1186	1186	1192	1210	1254			
HB 590	1297	1297	1311	1331	1338			
HB 601	1186	1186	1192	1211	1254	1378	1384	1378
HB 605	1297	1297	1311	1333	1338	1366	1381	
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Numbers refer to page of Senate Journal. Text of resolution is given on first reading or adoption. Joint resolutions are designated **HJR**; concurrent resolutions are designated **HCR**.

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- | | | |
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| HCR | 4 | Establishing a memorial to James W. Cammack, Sr. |
| HJR | 11 | Directing payments to Wesley Chapel, Fearisville, Lewis County. |
| HCR | 12 | Adjourning from January 16 to January 21 in memory of Robert E. Lee. |
| HJR | 13 | Requesting Department of Education to obtain federal aid. |
| HJR | 15 | Making deficiency appropriation for education foundation program. |
| HJR | 16 | Making an appropriation for jailers fees. |
| HJR | 17 | Making an appropriation for jailers fees. |
| HJR | 18 | Directing payment of a claim of C. S. Woodward. |
| HJR | 22 | Making an appropriation for legislative employees. |
| HCR | 23 | Recognizing Greek Orthodox Church as a major religion in Kentucky. |
| HCR | 25 | Memorializing Congress to maintain tobacco support price. |
| HCR | 29 | Adjourning from January 29 to February 3 in memory of Franklin D. Roosevelt. |
| HCR | 30 | Memorializing Congress to provide flood control for Big Sandy River. |
| HJR | 36 | Authorizing William E. Scent to sue the state. |
| HCR | 40 | Inviting Douglas MacArthur to address General Assembly. |
| HJR | 41 | Making an appropriation for Lincoln Sesquicentennial. |
| HCR | 42 | Memorializing Congress to canalize Big Sandy River. |
| HCR | 43 | Congratulating "The Escorts." |
| HCR | 48 | Memorializing Congress to provide minimum dairy support price. |
| HCR | 52 | Commemorating 150th birthday of Abraham Lincoln. |
| HCR | 65 | Adjourning on February 19. |
| HCR | 68 | Directing Public Service Commission to relieve Middleboro gas shortage. |
| HCR | 77 | Extending condolences to family of J. B. Wells, Sr. |
| HCR | 81 | Expressing appreciation for prayer fellowship breakfasts. |
| HCR | 84 | Memorializing Congress to expedite dam on Cumberland River at Bunche's Creek. |
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- HCR 90** Petitioning Congress to reduce age limit for old age assistance.
- HCR 91** Requesting Historical Society to place plaque on Greensburg Courthouse.
- HCR 109** Authorizing Governor to designate October 31 as Youth Honor Day.
- HCR 117** Urging Congress to expedite dam on Green River at Greensburg.
- HCR 126** Memorializing Congress to permit disposal of surplus property to recreation agencies.

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